

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

**JUANA CRUZ,
OFELIABENAVIDES,
GABRIELA VELAZQOEZ, MELESIO
CRUZ,
ANGELICA CHAVEZ
OLGA PEREZ,
MAURICIO SANCHEZ,
JORGE MAULEON,
HECTOR GONZALEZ,
YESSYPEREZ,
LUIS ALBERTO ZUNGA,
GONZALO ESQUIVEL,
PATRICIA CONDE,
NORMA CONDE,
RAFAEL SANCHEZ,
ROSA QUINTANILLA,
HECTOR SANCHEZ,
ROSENDO LIEVANOS,
MARIA DE LOURDES CRUZ,
JOSE ELIAS NG,
RICARDO GONZALO,
CONCEPCION PEREZ,
ELIZABETH LARA,
MIGUEL CABALLERO,
CARLOS DANIEL LOPEZ,
GILDA RIVAS,
ARMANDO MORALES DE LLANO,
Individually and On Behalf of All
Others Similarly Situated,**

Plaintiffs,

V

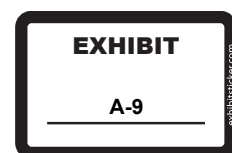
**DELGAR FOODS, INC D/B/A/ DELIA'S
TAMALES**

Defendants.

CIVIL ACTION NO: 7:23-CV-00343

PLAINTIFFS RESPONSES TO FIRST REQUEST FOR ADMISSIONS

Plaintiffs respond to Respondent's Request for Admissions as set forth below. The following



responses are made solely for the purposes of this action. Also, attached are authorizations to release employment and/or application records.

Responses are made on the basis of information and writings currently available to and located by Plaintiffs upon reasonable investigation. Plaintiffs expressly reserve the right to modify, revise, supplement, or amend their responses as they deem appropriate.

Respectfully submitted,

/s/

Dr. DOUGLAS A'HERN
A'Hern Law Group PLLC
P -16516 El Camino Real # 349
Houston, TX 77062
S - 1111 W. Nolana Ave
McAllen, Texas 78504
Tel: (281) 904 3797
Fax: (281) 213-0628
TBN: 24069206
FED: 1456411
douglas.a.ahern@gmail.com

and

Richard R. Alamia
Attorney at Law
619 S. 12th Ave.
Edinburg, TX. 78539
956-381-5766
956-381-5774
Richard.alamia@yahoo.com

Certificate of Service

I certify that on this 2 day of May, 2024 a true and correct copy of the foregoing answers were emailed to:

**AUTHORIZATION TO RELEASE
EMPLOYMENT AND/OR APPLICATION RECORDS**

TO ALL EMPLOYERS AND POTENTIAL EMPLOYERS OF ANGELICA CHAVEZ:

You are hereby authorized to furnish and release to Ogletree, Deakins, Nash, Smoak & Stewart, P.C. and/or Porter Hedges LLP, and their staff members, representatives and employees, any and all information and documents in your possession or control concerning the employment or potential employment of the above-referenced individual for use in Civil Action No. 7:23-CV-00343, styled "*Juana Cruz, et al. v. Delgar Foods, LLC dba Delia's*" pending in the United States District Court, Southern District of Texas, McAllen Division.

You are hereby authorized and requested to copy and produce any and all:

1. Employment applications;
2. Resumes;
3. Payroll records (including but not limited to pay stubs and pay advices);
4. Hour or time records;
5. Schedules;
6. Records of absences; and
7. Records of any periods of leave.

The relevant period for records responsive/covered by this authorization is 2020–2023.

A copy of this authorization should be considered as valid as the original and shall remain in effect so long as the above-mentioned case is pending.

DATED this 9th day of April, 2024.


ANGELICA CHAVEZ

First Set of Request for Admissions

Admission 1. Defendant paid you at least minimum wage for all hours worked by you during your employment.

Response: Deny

Admission 2. Defendant paid you at least minimum wage for all hours worked by you from 2020-2023.

Response: Admit

Admission 3. Defendant paid you time-and-a-half for all hours worked over 40 in a workweek by you during your employment.

Response: Deny

Admission 4. Defendant paid you time-and-a-half for all hours worked over 40 in a workweek by you from 2020-2023.

Response: Deny

Admission 5. Defendant correctly paid you for all hours worked during your employment.

Response: Deny

Admission 6. Defendant correctly paid you for all hours worked by you from 2020-2023.

Response: Admit

Admission 7. Defendant paid you for all hours worked by you from 2020-2023.

Response: Deny

Admission 8. You reported all hours worked by you accurately to Defendant.

Response: Deny

Admission 9. You recorded all hours worked by you for Defendant in Defendant's timekeeping system.

Response: Admit

Admission 10. You have no written documentation to rebut Defendant's time records of hours worked by you.

Response: Admit

Admission 11. While employed by Defendant, you were aware of Defendant's requirement to accurately record your hours worked.

Response: Deny

Admission 12. You at all times complied with Defendant's requirement to accurately record hours worked by you.

Response: Admit

Admission 13. You at all times complied with Defendant's requirement to accurately report hours worked by you.

Response: Admit

Admission 14. You reviewed your pay to confirm its accuracy on a weekly basis from 2020-2023.

Response: Admit

Admission 15. You reviewed your hours worked to confirm their accuracy on a weekly basis from 2020-2023.

Response: Admit

Admission 16. Defendant paid you overtime wages from 2020-2023.

Response: Admit

Admission 17. Any error made by Defendant as to your hours worked was unintentional.

Response: Deny

Admission 18. Any error made by Defendant as to your hours worked was not done willfully.

Response: Deny

Admission 19. Any error made by Defendant as to your hours worked was not done knowingly.

Response: Deny

Admission 20. Any error made by Defendant as to your pay was unintentional.

Response: Deny

Admission 21. Any error made by Defendant as to your pay was not done willfully.

Response: Deny

Admission 22. Any error made by Defendant as to your pay was not done knowingly.

Response: Deny

Admission 23. You received no cash for wages from Defendant from 2020-2023.

Response: Admit

Admission 24. You have no written documentation of hours worked by you for Defendant.

Response: Admit

Admission 25. You have never spoken to Delia Garza a/k/a/ Delia Lubin from 2020-2023.

Response: Deny

Admission 26. You have never seen Delia Garza a/k/a/ Delia Lubin from 2020-2023.

Response: Deny

Admission 27. You have never spoken to Delia Garza a/k/a/ Delia Lubin from 2020-2023 regarding your pay.

Response: Deny

Admission 28. You have never spoken to Delia Garza a/k/a/ Delia Lubin from 2020-2023 regarding hours worked.

Response: Deny

Admission 29. You have never spoken to Sofia Lubin from 2020-2023.

Response: Deny

Admission 30. You have never spoken to Sofia Lubin from 2020-2023 regarding your pay.

Response: Deny

Admission 31. You have never spoken to Sofia Lubin from 2020-2023 regarding hours worked.

Response: Deny

Admission 32. You have never spoken to Blanca Sierra from 2020-2023 regarding your pay.

Response: Deny

Admission 33. You have never spoken to Blanca Sierra from 2020-2023 regarding hours worked.

Response: Deny

Admission 34. You have never spoken to Letty Zumaya from 2020-2023 regarding your pay.

Response: Deny

Admission 35. You have never spoken to Letty Zumaya from 2020-2023 regarding hours worked.

Response: Deny

Admission 36. You have never spoken to El Guero Garza from 2020-2023 regarding your pay.

Response: Admit

Admission 37. You have never spoken to El Guero Garza from 2020-2023 regarding hours worked.

Response: Admit

Admission 38. You have never spoken to Benito Garza from 2020-2023 regarding your pay.

Response: Admit

Admission 39. You have never spoken to Benito Garza from 2020-2023 regarding hours worked.

Response: Admit

Admission 40. You have never spoken to Alberto Trevino from 2020-2023 regarding your pay.

Response: Deny

Admission 41. You have never spoken to Alberto Trevino from 2020-2023 regarding hours worked.

Response: Deny

Admission 42. You have never spoken to Mirta Garza from 2020-2023 regarding your pay.

Response: Admit

Admission 43. You have never spoken to Mirta Garza from 2020-2023 regarding hours worked.

Response: Admit

Admission 44. You have never spoken to Lorenzo Luben from 2020-2023 regarding your pay.

Response: Admit

Admission 45. You have never spoken to Lorenzo Luben from 2020-2023 regarding hours worked.

Response: Admit

Admission 46. You did not work for Defendant from 2020-2023.

Response: Deny

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

**JUANA CRUZ,
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Individually and On Behalf of All
Others Similarly Situated,**

Plaintiffs,

V

**DELGAR FOODS, INC D/B/A/ DELIA'S
TAMALES**

Defendants.

CIVIL ACTION NO: 7:23-CV-00343

VERIFICATION

I certify under penalty of perjury that the foregoing answers are true and correct answers of Plaintiff's to Defendant's' Request for Interrogatories included therein. The answers are true and correct to the best of Plaintiff's knowledge and information.

Respectfully submitted,

/s/

Dr. DOUGLAS A'HERN
A'Hern Law Group PLLC
P -16516 El Camino Real # 349
Houston, TX 77062
S - 1111 W. Nolana Ave
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and

/s/

Richard R. Alamia
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Individually and On Behalf of All
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Plaintiffs,

V

DELGAR FOODS, INC D/B/A/ DELIA'S TAMALES

Defendants.

CIVIL ACTION NO: 7:23-CV-00343

PLAINTIFFS RESPONSES TO FIRST REQUEST FOR ADMISSIONS

Plaintiffs respond to Respondent's Request for Admissions as set forth below. The following

responses are made solely for the purposes of this action. Also, attached are authorizations to release employment and/or application records.

Responses are made on the basis of information and writings currently available to and located by Plaintiffs upon reasonable investigation. Plaintiffs expressly reserve the right to modify, revise, supplement, or amend their responses as they deem appropriate.

Respectfully submitted,

/s/

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Attorney at Law
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Certificate of Service

I certify that on this 2 day of May, 2024 a true and correct copy of the foregoing answers were emailed to:

**AUTHORIZATION TO RELEASE
EMPLOYMENT AND/OR APPLICATION RECORDS**

TO ALL EMPLOYERS AND POTENTIAL EMPLOYERS OF CONCEPCION PEREZ:

You are hereby authorized to furnish and release to Ogletree, Deakins, Nash, Smoak & Stewart, P.C. and/or Porter Hedges LLP, and their staff members, representatives and employees, any and all information and documents in your possession or control concerning the employment or potential employment of the above-referenced individual for use in Civil Action No. 7:23-CV-00343, styled "*Juana Cruz, et al. v. Delgar Foods, LLC dba Delia's*" pending in the United States District Court, Southern District of Texas, McAllen Division.

You are hereby authorized and requested to copy and produce any and all:

1. Employment applications;
2. Resumes;
3. Payroll records (including but not limited to pay stubs and pay advices);
4. Hour or time records;
5. Schedules;
6. Records of absences; and
7. Records of any periods of leave.

The relevant period for records responsive/covered by this authorization is 2020–2023.

A copy of this authorization should be considered as valid as the original and shall remain in effect so long as the above-mentioned case is pending.

DATED this 18th day of April, 2024.


CONCEPCION PEREZ

First Set of Request for Admissions

Admission 1. Defendant paid you at least minimum wage for all hours worked by you during your employment.

Response: Deny

Admission 2. Defendant paid you at least minimum wage for all hours worked by you from 2020-2023.

Response: Admit

Admission 3. Defendant paid you time-and-a-half for all hours worked over 40 in a workweek by you during your employment.

Response: Deny

Admission 4. Defendant paid you time-and-a-half for all hours worked over 40 in a workweek by you from 2020-2023.

Response: Deny

Admission 5. Defendant correctly paid you for all hours worked during your employment.

Response: Deny

Admission 6. Defendant correctly paid you for all hours worked by you from 2020-2023.

Response: Deny

Admission 7. Defendant paid you for all hours worked by you from 2020-2023.

Response: Deny

Admission 8. You reported all hours worked by you accurately to Defendant.

Response: Admit

Admission 9. You recorded all hours worked by you for Defendant in Defendant's timekeeping system.

Response: Admit

Admission 10. You have no written documentation to rebut Defendant's time records of hours worked by you.

Response: Admit

Admission 11. While employed by Defendant, you were aware of Defendant's requirement to accurately record your hours worked.

Response: Admit

Admission 12. You at all times complied with Defendant's requirement to accurately record hours worked by you.

Response: Admit

Admission 13. You at all times complied with Defendant's requirement to accurately report hours worked by you.

Response: Admit

Admission 14. You reviewed your pay to confirm its accuracy on a weekly basis from 2020-2023.

Response: Admit

Admission 15. You reviewed your hours worked to confirm their accuracy on a weekly basis from 2020-2023.

Response: Deny

Admission 16. Defendant paid you overtime wages from 2020-2023.

Response: Admit

Admission 17. Any error made by Defendant as to your hours worked was unintentional.

Response: Deny

Admission 18. Any error made by Defendant as to your hours worked was not done willfully.

Response: Deny

Admission 19. Any error made by Defendant as to your hours worked was not done knowingly.

Response: Deny

Admission 20. Any error made by Defendant as to your pay was unintentional.

Response: Deny

Admission 21. Any error made by Defendant as to your pay was not done willfully.

Response: Deny

Admission 22. Any error made by Defendant as to your pay was not done knowingly.

Response: Deny

Admission 23. You received no cash for wages from Defendant from 2020-2023.

Response: Deny

Admission 24. You have no written documentation of hours worked by you for Defendant.

Response: Admit

Admission 25. You have never spoken to Delia Garza a/k/a/ Delia Lubin from 2020-2023.

Response: Deny

Admission 26. You have never seen Delia Garza a/k/a/ Delia Lubin from 2020-2023.

Response: Deny

Admission 27. You have never spoken to Delia Garza a/k/a/ Delia Lubin from 2020-2023 regarding your pay.

Response: Admit

Admission 28. You have never spoken to Delia Garza a/k/a/ Delia Lubin from 2020-2023 regarding hours worked.

Response: Admit

Admission 29. You have never spoken to Sofia Lubin from 2020-2023.

Response: Admit

Admission 30. You have never spoken to Sofia Lubin from 2020-2023 regarding your pay.

Response: Admit

Admission 31. You have never spoken to Sofia Lubin from 2020-2023 regarding hours worked.

Response: Admit

Admission 32. You have never spoken to Blanca Sierra from 2020-2023 regarding your pay.

Response: Deny

Admission 33. You have never spoken to Blanca Sierra from 2020-2023 regarding hours worked.

Response: Deny

Admission 34. You have never spoken to Letty Zumaya from 2020-2023 regarding your pay.

Response: Admit

Admission 35. You have never spoken to Letty Zumaya from 2020-2023 regarding hours worked.

Response: Admit

Admission 36. You have never spoken to El Guero Garza from 2020-2023 regarding your pay.

Response: Admit

Admission 37. You have never spoken to El Guero Garza from 2020-2023 regarding hours worked.

Response: Admit

Admission 38. You have never spoken to Benito Garza from 2020-2023 regarding your pay.

Response: Admit

Admission 39. You have never spoken to Benito Garza from 2020-2023 regarding hours worked.

Response: Admit

Admission 40. You have never spoken to Alberto Trevino from 2020-2023 regarding your pay.

Response: Deny

Admission 41. You have never spoken to Alberto Trevino from 2020-2023 regarding hours worked.

Response: Deny

Admission 42. You have never spoken to Mirta Garza from 2020-2023 regarding your pay.

Response: Admit

Admission 43. You have never spoken to Mirta Garza from 2020-2023 regarding hours worked.

Response: Admit

Admission 44. You have never spoken to Lorenzo Luben from 2020-2023 regarding your pay.

Response: Admit

Admission 45. You have never spoken to Lorenzo Luben from 2020-2023 regarding hours worked.

Response: Admit

Admission 46. You did not work for Defendant from 2020-2023.

Response: Deny

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
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**JUANA CRUZ,
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Individually and On Behalf of All
Others Similarly Situated,**

Plaintiffs,

V

**DELGAR FOODS, INC D/B/A/ DELIA'S
TAMALES**

Defendants.

CIVIL ACTION NO: 7:23-CV-00343

VERIFICATION

I certify under penalty of perjury that the foregoing answers are true and correct answers of Plaintiff's to Defendant's' Request for Interrogatories included therein. The answers are true and correct to the best of Plaintiff's knowledge and information.

Respectfully submitted,

/s/

Dr. DOUGLAS A'HERN
A'Hern Law Group PLLC
P -16516 El Camino Real # 349
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**UNITED STATES DISTRICT COURT
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**DELGAR FOODS, INC D/B/A/ DELIA'S
TAMALES**

Defendants.

CIVIL ACTION NO: 7:23-CV-00343

PLAINTIFFS RESPONSES TO FIRST REQUEST FOR ADMISSIONS

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Respectfully submitted,

/s/

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Certificate of Service

I certify that on this 2 day of May, 2024 a true and correct copy of the foregoing answers were emailed to:

**AUTHORIZATION TO RELEASE
EMPLOYMENT AND/OR APPLICATION RECORDS**

TO ALL EMPLOYERS AND POTENTIAL EMPLOYERS OF ELIZABETH LARA:

You are hereby authorized to furnish and release to Ogletree, Deakins, Nash, Smoak & Stewart, P.C. and/or Porter Hedges LLP, and their staff members, representatives and employees, any and all information and documents in your possession or control concerning the employment or potential employment of the above-referenced individual for use in Civil Action No. 7:23-CV-00343, styled "*Juana Cruz, et al. v. Delgar Foods, LLC dba Delia's*" pending in the United States District Court, Southern District of Texas, McAllen Division.

You are hereby authorized and requested to copy and produce any and all:

1. Employment applications;
2. Resumes;
3. Payroll records (including but not limited to pay stubs and pay advices);
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5. Schedules;
6. Records of absences; and
7. Records of any periods of leave.

The relevant period for records responsive/covered by this authorization is 2020–2023.

A copy of this authorization should be considered as valid as the original and shall remain in effect so long as the above-mentioned case is pending.

DATED this 18th day of April, 2024.



ELIZABETH LARA

First Set of Request for Admissions

Admission 1. Defendant paid you at least minimum wage for all hours worked by you during your employment.

Response: Deny

Admission 2. Defendant paid you at least minimum wage for all hours worked by you from 2020-2023.

Response: Admit

Admission 3. Defendant paid you time-and-a-half for all hours worked over 40 in a workweek by you during your employment.

Response: Deny

Admission 4. Defendant paid you time-and-a-half for all hours worked over 40 in a workweek by you from 2020-2023.

Response: Deny

Admission 5. Defendant correctly paid you for all hours worked during your employment.

Response: Deny

Admission 6. Defendant correctly paid you for all hours worked by you from 2020-2023.

Response: Deny

Admission 7. Defendant paid you for all hours worked by you from 2020-2023.

Response: Deny

Admission 8. You reported all hours worked by you accurately to Defendant.

Response: Admit

Admission 9. You recorded all hours worked by you for Defendant in Defendant's timekeeping system.

Response: Admit

Admission 10. You have no written documentation to rebut Defendant's time records of hours worked by you.

Response: Admit

Admission 11. While employed by Defendant, you were aware of Defendant's requirement to accurately record your hours worked.

Response: Admit

Admission 12. You at all times complied with Defendant's requirement to accurately record hours worked by you.

Response: Admit

Admission 13. You at all times complied with Defendant's requirement to accurately report hours worked by you.

Response: Admit

Admission 14. You reviewed your pay to confirm its accuracy on a weekly basis from 2020-2023.

Response: Deny

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Response: Deny

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Response: Deny

Admission 18. Any error made by Defendant as to your hours worked was not done willfully.

Response: Deny

Admission 19. Any error made by Defendant as to your hours worked was not done knowingly.

Response: Deny

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Response: Deny

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Response: Deny

Admission 22. Any error made by Defendant as to your pay was not done knowingly.

Response: Deny

Admission 23. You received no cash for wages from Defendant from 2020-2023.

Response: Admit

Admission 24. You have no written documentation of hours worked by you for Defendant.

Response: Admit

Admission 25. You have never spoken to Delia Garza a/k/a/ Delia Lubin from 2020-2023.

Response: Deny

Admission 26. You have never seen Delia Garza a/k/a/ Delia Lubin from 2020-2023.

Response: Deny

Admission 27. You have never spoken to Delia Garza a/k/a/ Delia Lubin from 2020-2023 regarding your pay.

Response: Admit

Admission 28. You have never spoken to Delia Garza a/k/a/ Delia Lubin from 2020-2023 regarding hours worked.

Response: Admit

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Response: Admit

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Response: Admit

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Response: Admit

Admission 32. You have never spoken to Blanca Sierra from 2020-2023 regarding your pay.

Response: Deny

Admission 33. You have never spoken to Blanca Sierra from 2020-2023 regarding hours worked.

Response: Deny

Admission 34. You have never spoken to Letty Zumaya from 2020-2023 regarding your pay.

Response: Admit

Admission 35. You have never spoken to Letty Zumaya from 2020-2023 regarding hours worked.

Response: Admit

Admission 36. You have never spoken to El Guero Garza from 2020-2023 regarding your pay.

Response: Admit

Admission 37. You have never spoken to El Guero Garza from 2020-2023 regarding hours worked.

Response: Admit

Admission 38. You have never spoken to Benito Garza from 2020-2023 regarding your pay.

Response: Admit

Admission 39. You have never spoken to Benito Garza from 2020-2023 regarding hours worked.

Response: Admit

Admission 40. You have never spoken to Alberto Trevino from 2020-2023 regarding your pay.

Response: Admit

Admission 41. You have never spoken to Alberto Trevino from 2020-2023 regarding hours worked.

Response: Admit

Admission 42. You have never spoken to Mirta Garza from 2020-2023 regarding your pay.

Response: Admit

Admission 43. You have never spoken to Mirta Garza from 2020-2023 regarding hours worked.

Response: Admit

Admission 44. You have never spoken to Lorenzo Luben from 2020-2023 regarding your pay.

Response: Admit

Admission 45. You have never spoken to Lorenzo Luben from 2020-2023 regarding hours worked.

Response: Admit

Admission 46. You did not work for Defendant from 2020-2023.

Response: Deny

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

**JUANA CRUZ,
OFELIABENAVIDES,
GABRIELA VELAZQOEZ, MELESIO
CRUZ,
ANGELICA CHAVEZ
OLGA PEREZ,
MAURICIO SANCHEZ,
JORGE MAULEON,
HECTOR GONZALEZ,
YESSYPEREZ,
LUIS ALBERTO ZUNGA,
GONZALO ESQUIVEL,
PATRICIA CONDE,
NORMA CONDE,
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JOSE ELIAS NG,
RICARDO GONZALO,
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ELIZABETH LARA,
MIGUEL CABALLERO,
CARLOS DANIEL LOPEZ,
GILDA RIVAS,
ARMANDO MORALES DE LLANO,
Individually and On Behalf of All
Others Similarly Situated,**

Plaintiffs,

V

**DELGAR FOODS, INC D/B/A/ DELIA'S
TAMALES**

Defendants.

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 245. *Conflicts of Interest*

CIVIL ACTION NO: 7:23-CV-00343

VERIFICATION

I certify under penalty of perjury that the foregoing answers are true and correct answers of Plaintiff's to Defendant's' Request for Interrogatories included therein. The answers are true and correct to the best of Plaintiff's knowledge and information.

Respectfully submitted,

/s/

Dr. DOUGLAS A'HERN
A'Hern Law Group PLLC
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and

/s/

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956-381-5774
Richard.alamia@yahoo.com

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

**JUANA CRUZ,
OFELIABENAVIDES,
GABRIELA VELAZQOEZ, MELESIO
CRUZ,
ANGELICA CHAVEZ
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MIGUEL CABALLERO,
CARLOS DANIEL LOPEZ,
GILDA RIVAS,
ARMANDO MORALES DE LLANO,
Individually and On Behalf of All
Others Similarly Situated,**

Plaintiffs,

V

**DELGAR FOODS, INC D/B/A/ DELIA'S
TAMALES**

Defendants.

CIVIL ACTION NO: 7:23-CV-00343

PLAINTIFFS RESPONSES TO FIRST REQUEST FOR ADMISSIONS

Plaintiffs respond to Respondent's Request for Admissions as set forth below. The following

responses are made solely for the purposes of this action. Also, attached are authorizations to release employment and/or application records.

Responses are made on the basis of information and writings currently available to and located by Plaintiffs upon reasonable investigation. Plaintiffs expressly reserve the right to modify, revise, supplement, or amend their responses as they deem appropriate.

Respectfully submitted,

/s/

Dr. DOUGLAS A'HERN
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and

Richard R. Alamia
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956-381-5774
Richard.alamia@yahoo.com

Certificate of Service

I certify that on this 2 day of May, 2024 a true and correct copy of the foregoing answers were emailed to:

**AUTHORIZATION TO RELEASE
EMPLOYMENT AND/OR APPLICATION RECORDS**

TO ALL EMPLOYERS AND POTENTIAL EMPLOYERS OF GABRIELA VELAZQUEZ:

You are hereby authorized to furnish and release to Ogletree, Deakins, Nash, Smoak & Stewart, P.C. and/or Porter Hedges LLP, and their staff members, representatives and employees, any and all information and documents in your possession or control concerning the employment or potential employment of the above-referenced individual for use in Civil Action No. 7:23-CV-00343, styled "*Juana Cruz, et al. v. Delgar Foods, LLC dba Delia's*" pending in the United States District Court, Southern District of Texas, McAllen Division.

You are hereby authorized and requested to copy and produce any and all:

1. Employment applications;
2. Resumes;
3. Payroll records (including but not limited to pay stubs and pay advices);
4. Hour or time records;
5. Schedules;
6. Records of absences; and
7. Records of any periods of leave.

The relevant period for records responsive/covered by this authorization is 2020–2023.

A copy of this authorization should be considered as valid as the original and shall remain in effect so long as the above-mentioned case is pending.

DATED this 16 day of April, 2024.



GABRIELA VELAZQUEZ

First Set of Request for Admissions

Admission 1. Defendant paid you at least minimum wage for all hours worked by you during your employment.

Response: Deny

Admission 2. Defendant paid you at least minimum wage for all hours worked by you from 2020-2023.

Response: Deny

Admission 3. Defendant paid you time-and-a-half for all hours worked over 40 in a workweek by you during your employment.

Response: Deny

Admission 4. Defendant paid you time-and-a-half for all hours worked over 40 in a workweek by you from 2020-2023.

Response: Deny

Admission 5. Defendant correctly paid you for all hours worked during your employment.

Response: Deny

Admission 6. Defendant correctly paid you for all hours worked by you from 2020-2023.

Response: Deny

Admission 7. Defendant paid you for all hours worked by you from 2020-2023.

Response: Deny

Admission 8. You reported all hours worked by you accurately to Defendant.

Response: Admit

Admission 9. You recorded all hours worked by you for Defendant in Defendant's timekeeping system.

Response: Admit

Admission 10. You have no written documentation to rebut Defendant's time records of hours worked by you.

Response: Admit

Admission 11. While employed by Defendant, you were aware of Defendant's requirement to accurately record your hours worked.

Response: Admit

Admission 12. You at all times complied with Defendant's requirement to accurately record hours worked by you.

Response: Admit

Admission 13. You at all times complied with Defendant's requirement to accurately report hours worked by you.

Response: Admit

Admission 14. You reviewed your pay to confirm its accuracy on a weekly basis from 2020-2023.

Response: Deny

Admission 15. You reviewed your hours worked to confirm their accuracy on a weekly basis from 2020-2023.

Response: Deny

Admission 16. Defendant paid you overtime wages from 2020-2023.

Response: Admit

Admission 17. Any error made by Defendant as to your hours worked was unintentional.

Response: Deny

Admission 18. Any error made by Defendant as to your hours worked was not done willfully.

Response: Deny

Admission 19. Any error made by Defendant as to your hours worked was not done knowingly.

Response: Deny

Admission 20. Any error made by Defendant as to your pay was unintentional.

Response: Deny

Admission 21. Any error made by Defendant as to your pay was not done willfully.

Response: Deny

Admission 22. Any error made by Defendant as to your pay was not done knowingly.

Response: Deny

Admission 23. You received no cash for wages from Defendant from 2020-2023.

Response: Deny

Admission 24. You have no written documentation of hours worked by you for Defendant.

Response: Admit

Admission 25. You have never spoken to Delia Garza a/k/a/ Delia Lubin from 2020-2023.

Response: Deny

Admission 26. You have never seen Delia Garza a/k/a/ Delia Lubin from 2020-2023.

Response: Deny

Admission 27. You have never spoken to Delia Garza a/k/a/ Delia Lubin from 2020-2023 regarding your pay.

Response: Admit

Admission 28. You have never spoken to Delia Garza a/k/a/ Delia Lubin from 2020-2023 regarding hours worked.

Response: Admit

Admission 29. You have never spoken to Sofia Lubin from 2020-2023.

Response: Admit

Admission 30. You have never spoken to Sofia Lubin from 2020-2023 regarding your pay.

Response: Admit

Admission 31. You have never spoken to Sofia Lubin from 2020-2023 regarding hours worked.

Response: Admit

Admission 32. You have never spoken to Blanca Sierra from 2020-2023 regarding your pay.

Response: Deny

Admission 33. You have never spoken to Blanca Sierra from 2020-2023 regarding hours worked.

Response: Deny

Admission 34. You have never spoken to Letty Zumaya from 2020-2023 regarding your pay.

Response: Admit

Admission 35. You have never spoken to Letty Zumaya from 2020-2023 regarding hours worked.

Response: Admit

Admission 36. You have never spoken to El Guero Garza from 2020-2023 regarding your pay.

Response: Admit

Admission 37. You have never spoken to El Guero Garza from 2020-2023 regarding hours worked.

Response: Admit

Admission 38. You have never spoken to Benito Garza from 2020-2023 regarding your pay.

Response: Admit

Admission 39. You have never spoken to Benito Garza from 2020-2023 regarding hours worked.

Response: Admit

Admission 40. You have never spoken to Alberto Trevino from 2020-2023 regarding your pay.

Response: Deny

Admission 41. You have never spoken to Alberto Trevino from 2020-2023 regarding hours worked.

Response: Deny

Admission 42. You have never spoken to Mirta Garza from 2020-2023 regarding your pay.

Response: Admit

Admission 43. You have never spoken to Mirta Garza from 2020-2023 regarding hours worked.

Response: Admit

Admission 44. You have never spoken to Lorenzo Luben from 2020-2023 regarding your pay.

Response: Admit

Admission 45. You have never spoken to Lorenzo Luben from 2020-2023 regarding hours worked.

Response: Admit

Admission 46. You did not work for Defendant from 2020-2023.

Response: Deny

I certify under penalty of perjury that the foregoing answers are true and correct answers of Plaintiff's to Defendant's' Request for Interrogatories included therein. The answers are true and correct to the best of Plaintiff's knowledge and information.

Respectfully submitted,

/s/

Dr. DOUGLAS A'HERN
A'Hern Law Group PLLC
P -16516 El Camino Real # 349
Houston, TX 77062
S - 1111 W. Nolana Ave
McAllen, Texas 78504
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and

/s/

Richard R. Alamia
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Richard.alamia@yahoo.com

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

**JUANA CRUZ,
OFELIABENAVIDES,
GABRIELA VELAZQOEZ, MELESIO
CRUZ,
ANGELICA CHAVEZ
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GILDA RIVAS,
ARMANDO MORALES DE LLANO,
Individually and On Behalf of All
Others Similarly Situated,**

Plaintiffs,

V

DELGAR FOODS, INC D/B/A/ DELIA'S TAMALES

Defendants.

CIVIL ACTION NO: 7:23-CV-00343

PLAINTIFFS RESPONSES TO FIRST REQUEST FOR ADMISSIONS

Plaintiffs respond to Respondent's Request for Admissions as set forth below. The following

responses are made solely for the purposes of this action. Also, attached are authorizations to release employment and/or application records.

Responses are made on the basis of information and writings currently available to and located by Plaintiffs upon reasonable investigation. Plaintiffs expressly reserve the right to modify, revise, supplement, or amend their responses as they deem appropriate.

Respectfully submitted,

/s/

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and

Richard R. Alamia
Attorney at Law
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Edinburg, TX. 78539
956-381-5766
956-381-5774
Richard.alamia@yahoo.com

Certificate of Service

I certify that on this 2 day of May, 2024 a true and correct copy of the foregoing answers were emailed to:

**AUTHORIZATION TO RELEASE
EMPLOYMENT AND/OR APPLICATION RECORDS**

TO ALL EMPLOYERS AND POTENTIAL EMPLOYERS OF GILDA RIVAS:

You are hereby authorized to furnish and release to Ogletree, Deakins, Nash, Smoak & Stewart, P.C. and/or Porter Hedges LLP, and their staff members, representatives and employees, any and all information and documents in your possession or control concerning the employment or potential employment of the above-referenced individual for use in Civil Action No. 7:23-CV-00343, styled "*Juana Cruz, et al. v. Delgar Foods, LLC dba Delia's*" pending in the United States District Court, Southern District of Texas, McAllen Division.

You are hereby authorized and requested to copy and produce any and all:

1. Employment applications;
2. Resumes;
3. Payroll records (including but not limited to pay stubs and pay advices);
4. Hour or time records;
5. Schedules;
6. Records of absences; and
7. Records of any periods of leave.

The relevant period for records responsive/covered by this authorization is 2020–2023.

A copy of this authorization should be considered as valid as the original and shall remain in effect so long as the above-mentioned case is pending.

DATED this 12th day of April, 2024.



GILDA RIVAS

First Set of Request for Admissions

Admission 1. Defendant paid you at least minimum wage for all hours worked by you during your employment.

Response: Deny

Admission 2. Defendant paid you at least minimum wage for all hours worked by you from 2020-2023.

Response: Deny

Admission 3. Defendant paid you time-and-a-half for all hours worked over 40 in a workweek by you during your employment.

Response: Deny

Admission 4. Defendant paid you time-and-a-half for all hours worked over 40 in a workweek by you from 2020-2023.

Response: Deny

Admission 5. Defendant correctly paid you for all hours worked during your employment.

Response: Deny

Admission 6. Defendant correctly paid you for all hours worked by you from 2020-2023.

Response: Deny

Admission 7. Defendant paid you for all hours worked by you from 2020-2023.

Response: Deny

Admission 8. You reported all hours worked by you accurately to Defendant.

Response: Admit

Admission 9. You recorded all hours worked by you for Defendant in Defendant's timekeeping system.

Response: Admit

Admission 10. You have no written documentation to rebut Defendant's time records of hours worked by you.

Response: Admit

Admission 11. While employed by Defendant, you were aware of Defendant's requirement to accurately record your hours worked.

Response: Admit

Admission 12. You at all times complied with Defendant's requirement to accurately record hours worked by you.

Response: Admit

Admission 13. You at all times complied with Defendant's requirement to accurately report hours worked by you.

Response: Admit

Admission 14. You reviewed your pay to confirm its accuracy on a weekly basis from 2020-2023.

Response: Admit

Admission 15. You reviewed your hours worked to confirm their accuracy on a weekly basis from 2020-2023.

Response: Deny

Admission 16. Defendant paid you overtime wages from 2020-2023.

Response: Admit

Admission 17. Any error made by Defendant as to your hours worked was unintentional.

Response: Deny

Admission 18. Any error made by Defendant as to your hours worked was not done willfully.

Response: Deny

Admission 19. Any error made by Defendant as to your hours worked was not done knowingly.

Response: Deny

Admission 20. Any error made by Defendant as to your pay was unintentional.

Response: Deny

Admission 21. Any error made by Defendant as to your pay was not done willfully.

Response: Deny

Admission 22. Any error made by Defendant as to your pay was not done knowingly.

Response: Deny

Admission 23. You received no cash for wages from Defendant from 2020-2023.

Response: Admit

Admission 24. You have no written documentation of hours worked by you for Defendant.

Response: Admit

Admission 25. You have never spoken to Delia Garza a/k/a/ Delia Lubin from 2020-2023.

Response: Deny

Admission 26. You have never seen Delia Garza a/k/a/ Delia Lubin from 2020-2023.

Response: Deny

Admission 27. You have never spoken to Delia Garza a/k/a/ Delia Lubin from 2020-2023 regarding your pay.

Response: Admit

Admission 28. You have never spoken to Delia Garza a/k/a/ Delia Lubin from 2020-2023 regarding hours worked.

Response: Admit

Admission 29. You have never spoken to Sofia Lubin from 2020-2023.

Response: Deny

Admission 30. You have never spoken to Sofia Lubin from 2020-2023 regarding your pay.

Response: Deny

Admission 31. You have never spoken to Sofia Lubin from 2020-2023 regarding hours worked.

Response: Admit

Admission 32. You have never spoken to Blanca Sierra from 2020-2023 regarding your pay.

Response: Deny

Admission 33. You have never spoken to Blanca Sierra from 2020-2023 regarding hours worked.

Response: Deny

Admission 34. You have never spoken to Letty Zumaya from 2020-2023 regarding your pay.

Response: Admit

Admission 35. You have never spoken to Letty Zumaya from 2020-2023 regarding hours worked.

Response: Admit

Admission 36. You have never spoken to El Guero Garza from 2020-2023 regarding your pay.

Response: Admit

Admission 37. You have never spoken to El Guero Garza from 2020-2023 regarding hours worked.

Response: Admit

Admission 38. You have never spoken to Benito Garza from 2020-2023 regarding your pay.

Response: Admit

Admission 39. You have never spoken to Benito Garza from 2020-2023 regarding hours worked.

Response: Admit

Admission 40. You have never spoken to Alberto Trevino from 2020-2023 regarding your pay.

Response: Deny

Admission 41. You have never spoken to Alberto Trevino from 2020-2023 regarding hours worked.

Response: Deny

Admission 42. You have never spoken to Mirta Garza from 2020-2023 regarding your pay.

Response: Admit

Admission 43. You have never spoken to Mirta Garza from 2020-2023 regarding hours worked.

Response: Admit

Admission 44. You have never spoken to Lorenzo Luben from 2020-2023 regarding your pay.

Response: Admit

Admission 45. You have never spoken to Lorenzo Luben from 2020-2023 regarding hours worked.

Response: Admit

Admission 46. You did not work for Defendant from 2020-2023.

Response: Deny

I certify under penalty of perjury that the foregoing answers are true and correct answers of Plaintiff's to Defendant's' Request for Interrogatories included therein. The answers are true and correct to the best of Plaintiff's knowledge and information.

Respectfully submitted,

/s/

Dr. DOUGLAS A'HERN
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and

/s/

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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

**JUANA CRUZ,
OFELIABENAVIDES,
GABRIELA VELAZQOEZ, MELESIO
CRUZ,
ANGELICA CHAVEZ
OLGA PEREZ,
MAURICIO SANCHEZ,
JORGE MAULEON,
HECTOR GONZALEZ,
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MARIA DE LOURDES CRUZ,
JOSE ELIAS NG,
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ELIZABETH LARA,
MIGUEL CABALLERO,
CARLOS DANIEL LOPEZ,
GILDA RIVAS,
ARMANDO MORALES DE LLANO,
Individually and On Behalf of All
Others Similarly Situated,**

Plaintiffs,

V

**DELGAR FOODS, INC D/B/A/ DELIA'S
TAMALES**

Defendants.

CIVIL ACTION NO: 7:23-CV-00343

PLAINTIFFS RESPONSES TO FIRST REQUEST FOR ADMISSIONS

Plaintiffs respond to Respondent's Request for Admissions as set forth below. The following

responses are made solely for the purposes of this action. Also, attached are authorizations to release employment and/or application records.

Responses are made on the basis of information and writings currently available to and located by Plaintiffs upon reasonable investigation. Plaintiffs expressly reserve the right to modify, revise, supplement, or amend their responses as they deem appropriate.

Respectfully submitted,

/s/

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Certificate of Service

I certify that on this 2 day of May, 2024 a true and correct copy of the foregoing answers were emailed to:

**AUTHORIZATION TO RELEASE
EMPLOYMENT AND/OR APPLICATION RECORDS**

TO ALL EMPLOYERS AND POTENTIAL EMPLOYERS OF GUILLERMO DE LA CRUZ MENDOZA:

You are hereby authorized to furnish and release to Ogletree, Deakins, Nash, Smoak & Stewart, P.C. and/or Porter Hedges LLP, and their staff members, representatives and employees, any and all information and documents in your possession or control concerning the employment or potential employment of the above-referenced individual for use in Civil Action No. 7:23-CV-00343, styled "*Juana Cruz, et al. v. Delgar Foods, LLC dba Delia's*" pending in the United States District Court, Southern District of Texas, McAllen Division.

You are hereby authorized and requested to copy and produce any and all:

1. Employment applications;
2. Resumes;
3. Payroll records (including but not limited to pay stubs and pay advices);
4. Hour or time records;
5. Schedules;
6. Records of absences; and
7. Records of any periods of leave.

The relevant period for records responsive/covered by this authorization is 2020–2023.

A copy of this authorization should be considered as valid as the original and shall remain in effect so long as the above-mentioned case is pending.

DATED this 18th day of April, 2024.



GUILLERMO DE LA CRUZ MENDOZA

First Set of Request for Admissions

Admission 1. Defendant paid you at least minimum wage for all hours worked by you during your employment.

Response: Deny

Admission 2. Defendant paid you at least minimum wage for all hours worked by you from 2020-2023.

Response: Admit

Admission 3. Defendant paid you time-and-a-half for all hours worked over 40 in a workweek by you during your employment.

Response: Deny

Admission 4. Defendant paid you time-and-a-half for all hours worked over 40 in a workweek by you from 2020-2023.

Response: Deny

Admission 5. Defendant correctly paid you for all hours worked during your employment.

Response: Deny

Admission 6. Defendant correctly paid you for all hours worked by you from 2020-2023.

Response: Admit

Admission 7. Defendant paid you for all hours worked by you from 2020-2023.

Response: Deny

Admission 8. You reported all hours worked by you accurately to Defendant.

Response: Deny

Admission 9. You recorded all hours worked by you for Defendant in Defendant's timekeeping system.

Response: Admit

Admission 10. You have no written documentation to rebut Defendant's time records of hours worked by you.

Response: Admit

Admission 11. While employed by Defendant, you were aware of Defendant's requirement to accurately record your hours worked.

Response: Deny

Admission 12. You at all times complied with Defendant's requirement to accurately record hours worked by you.

Response: Admit

Admission 13. You at all times complied with Defendant's requirement to accurately report hours worked by you.

Response: Admit

Admission 14. You reviewed your pay to confirm its accuracy on a weekly basis from 2020-2023.

Response: Admit

Admission 15. You reviewed your hours worked to confirm their accuracy on a weekly basis from 2020-2023.

Response: Admit

Admission 16. Defendant paid you overtime wages from 2020-2023.

Response: Admit

Admission 17. Any error made by Defendant as to your hours worked was unintentional.

Response: Deny

Admission 18. Any error made by Defendant as to your hours worked was not done willfully.

Response: Deny

Admission 19. Any error made by Defendant as to your hours worked was not done knowingly.

Response: Deny

Admission 20. Any error made by Defendant as to your pay was unintentional.

Response: Deny

Admission 21. Any error made by Defendant as to your pay was not done willfully.

Response: Deny

Admission 22. Any error made by Defendant as to your pay was not done knowingly.

Response: Deny

Admission 23. You received no cash for wages from Defendant from 2020-2023.

Response: Admit

Admission 24. You have no written documentation of hours worked by you for Defendant.

Response: Admit

Admission 25. You have never spoken to Delia Garza a/k/a/ Delia Lubin from 2020-2023.

Response: Deny

Admission 26. You have never seen Delia Garza a/k/a/ Delia Lubin from 2020-2023.

Response: Deny

Admission 27. You have never spoken to Delia Garza a/k/a/ Delia Lubin from 2020-2023 regarding your pay.

Response: Deny

Admission 28. You have never spoken to Delia Garza a/k/a/ Delia Lubin from 2020-2023 regarding hours worked.

Response: Deny

Admission 29. You have never spoken to Sofia Lubin from 2020-2023.

Response: Deny

Admission 30. You have never spoken to Sofia Lubin from 2020-2023 regarding your pay.

Response: Deny

Admission 31. You have never spoken to Sofia Lubin from 2020-2023 regarding hours worked.

Response: Deny

Admission 32. You have never spoken to Blanca Sierra from 2020-2023 regarding your pay.

Response: Deny

Admission 33. You have never spoken to Blanca Sierra from 2020-2023 regarding hours worked.

Response: Deny

Admission 34. You have never spoken to Letty Zumaya from 2020-2023 regarding your pay.

Response: Deny

Admission 35. You have never spoken to Letty Zumaya from 2020-2023 regarding hours worked.

Response: Deny

Admission 36. You have never spoken to El Guero Garza from 2020-2023 regarding your pay.

Response: Admit

Admission 37. You have never spoken to El Guero Garza from 2020-2023 regarding hours worked.

Response: Admit

Admission 38. You have never spoken to Benito Garza from 2020-2023 regarding your pay.

Response: Admit

Admission 39. You have never spoken to Benito Garza from 2020-2023 regarding hours worked.

Response: Admit

Admission 40. You have never spoken to Alberto Trevino from 2020-2023 regarding your pay.

Response: Deny

Admission 41. You have never spoken to Alberto Trevino from 2020-2023 regarding hours worked.

Response: Deny

Admission 42. You have never spoken to Mirta Garza from 2020-2023 regarding your pay.

Response: Admit

Admission 43. You have never spoken to Mirta Garza from 2020-2023 regarding hours worked.

Response: Admit

Admission 44. You have never spoken to Lorenzo Luben from 2020-2023 regarding your pay.

Response: Admit

Admission 45. You have never spoken to Lorenzo Luben from 2020-2023 regarding hours worked.

Response: Admit

Admission 46. You did not work for Defendant from 2020-2023.

Response: Deny

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

**JUANA CRUZ,
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Plaintiffs,

V

**DELGAR FOODS, INC D/B/A/ DELIA'S
TAMALES**

Defendants.

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CIVIL ACTION NO: 7:23-CV-00343

VERIFICATION

I certify under penalty of perjury that the foregoing answers are true and correct answers of Plaintiff's to Defendant's' Request for Interrogatories included therein. The answers are true and correct to the best of Plaintiff's knowledge and information.

Respectfully submitted,

/s/

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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
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**JUANA CRUZ,
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Individually and On Behalf of All
Others Similarly Situated,**

Plaintiffs,

V

**DELGAR FOODS, INC D/B/A/ DELIA'S
TAMALES**

Defendants.

CIVIL ACTION NO: 7:23-CV-00343

PLAINTIFFS RESPONSES TO FIRST REQUEST FOR ADMISSIONS

Plaintiffs respond to Respondent's Request for Admissions as set forth below. The following

responses are made solely for the purposes of this action. Also, attached are authorizations to release employment and/or application records.

Responses are made on the basis of information and writings currently available to and located by Plaintiffs upon reasonable investigation. Plaintiffs expressly reserve the right to modify, revise, supplement, or amend their responses as they deem appropriate.

Respectfully submitted,

/s/

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Certificate of Service

I certify that on this 2 day of May, 2024 a true and correct copy of the foregoing answers were emailed to:

**AUTHORIZATION TO RELEASE
EMPLOYMENT AND/OR APPLICATION RECORDS**

TO ALL EMPLOYERS AND POTENTIAL EMPLOYERS OF GUILLERMO RUIZ:

You are hereby authorized to furnish and release to Ogletree, Deakins, Nash, Smoak & Stewart, P.C. and/or Porter Hedges LLP, and their staff members, representatives and employees, any and all information and documents in your possession or control concerning the employment or potential employment of the above-referenced individual for use in Civil Action No. 7:23-CV-00343, styled "*Juana Cruz, et al. v. Delgar Foods, LLC dba Delia's*" pending in the United States District Court, Southern District of Texas, McAllen Division.

You are hereby authorized and requested to copy and produce any and all:

1. Employment applications;
2. Resumes;
3. Payroll records (including but not limited to pay stubs and pay advices);
4. Hour or time records;
5. Schedules;
6. Records of absences; and
7. Records of any periods of leave.

The relevant period for records responsive/covered by this authorization is 2020–2023.

A copy of this authorization should be considered as valid as the original and shall remain in effect so long as the above-mentioned case is pending.

DATED this 18th day of April, 2024.



GUILLERMO RUIZ



First Set of Request for Admissions

Admission 1. Defendant paid you at least minimum wage for all hours worked by you during your employment.

Response: Deny

Admission 2. Defendant paid you at least minimum wage for all hours worked by you from 2020-2023.

Response: Deny

Admission 3. Defendant paid you time-and-a-half for all hours worked over 40 in a workweek by you during your employment.

Response: Deny

Admission 4. Defendant paid you time-and-a-half for all hours worked over 40 in a workweek by you from 2020-2023.

Response: Deny

Admission 5. Defendant correctly paid you for all hours worked during your employment.

Response: Deny

Admission 6. Defendant correctly paid you for all hours worked by you from 2020-2023.

Response: Deny

Admission 7. Defendant paid you for all hours worked by you from 2020-2023.

Response: Deny

Admission 8. You reported all hours worked by you accurately to Defendant.

Response: Admit

Admission 9. You recorded all hours worked by you for Defendant in Defendant's timekeeping system.

Response: Admit

Admission 10. You have no written documentation to rebut Defendant's time records of hours worked by you.

Response: Admit

Admission 11. While employed by Defendant, you were aware of Defendant's requirement to accurately record your hours worked.

Response: Admit

Admission 12. You at all times complied with Defendant's requirement to accurately record hours worked by you.

Response: Admit

Admission 13. You at all times complied with Defendant's requirement to accurately report hours worked by you.

Response: Admit

Admission 14. You reviewed your pay to confirm its accuracy on a weekly basis from 2020-2023.

Response: Admit

Admission 15. You reviewed your hours worked to confirm their accuracy on a weekly basis from 2020-2023.

Response: Deny

Admission 16. Defendant paid you overtime wages from 2020-2023.

Response: Admit

Admission 17. Any error made by Defendant as to your hours worked was unintentional.

Response: Deny

Admission 18. Any error made by Defendant as to your hours worked was not done willfully.

Response: Deny

Admission 19. Any error made by Defendant as to your hours worked was not done knowingly.

Response: Deny

Admission 20. Any error made by Defendant as to your pay was unintentional.

Response: Deny

Admission 21. Any error made by Defendant as to your pay was not done willfully.

Response: Deny

Admission 22. Any error made by Defendant as to your pay was not done knowingly.

Response: Deny

Admission 23. You received no cash for wages from Defendant from 2020-2023.

Response: Admit

Admission 24. You have no written documentation of hours worked by you for Defendant.

Response: Admit

Admission 25. You have never spoken to Delia Garza a/k/a/ Delia Lubin from 2020-2023.

Response: Deny

Admission 26. You have never seen Delia Garza a/k/a/ Delia Lubin from 2020-2023.

Response: Deny

Admission 27. You have never spoken to Delia Garza a/k/a/ Delia Lubin from 2020-2023 regarding your pay.

Response: Admit

Admission 28. You have never spoken to Delia Garza a/k/a/ Delia Lubin from 2020-2023 regarding hours worked.

Response: Admit

Admission 29. You have never spoken to Sofia Lubin from 2020-2023.

Response: Deny

Admission 30. You have never spoken to Sofia Lubin from 2020-2023 regarding your pay.

Response: Deny

Admission 31. You have never spoken to Sofia Lubin from 2020-2023 regarding hours worked.

Response: Admit

Admission 32. You have never spoken to Blanca Sierra from 2020-2023 regarding your pay.

Response: Deny

Admission 33. You have never spoken to Blanca Sierra from 2020-2023 regarding hours worked.

Response: Deny

Admission 34. You have never spoken to Letty Zumaya from 2020-2023 regarding your pay.

Response: Admit

Admission 35. You have never spoken to Letty Zumaya from 2020-2023 regarding hours worked.

Response: Admit

Admission 36. You have never spoken to El Guero Garza from 2020-2023 regarding your pay.

Response: Admit

Admission 37. You have never spoken to El Guero Garza from 2020-2023 regarding hours worked.

Response: Admit

Admission 38. You have never spoken to Benito Garza from 2020-2023 regarding your pay.

Response: Admit

Admission 39. You have never spoken to Benito Garza from 2020-2023 regarding hours worked.

Response: Admit

Admission 40. You have never spoken to Alberto Trevino from 2020-2023 regarding your pay.

Response: Deny

Admission 41. You have never spoken to Alberto Trevino from 2020-2023 regarding hours worked.

Response: Deny

Admission 42. You have never spoken to Mirta Garza from 2020-2023 regarding your pay.

Response: Admit

Admission 43. You have never spoken to Mirta Garza from 2020-2023 regarding hours worked.

Response: Admit

Admission 44. You have never spoken to Lorenzo Luben from 2020-2023 regarding your pay.

Response: Admit

Admission 45. You have never spoken to Lorenzo Luben from 2020-2023 regarding hours worked.

Response: Admit

Admission 46. You did not work for Defendant from 2020-2023.

Response: Deny

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

**JUANA CRUZ,
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Plaintiffs,

V

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Defendants.

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CIVIL ACTION NO: 7:23-CV-00343

VERIFICATION

I certify under penalty of perjury that the foregoing answers are true and correct answers of Plaintiff's to Defendant's' Request for Interrogatories included therein. The answers are true and correct to the best of Plaintiff's knowledge and information.

Respectfully submitted,

/s/

Dr. DOUGLAS A'HERN
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and

/s/

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619 S. 12th Ave.
Edinburg, TX. 78539
956-381-5766
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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

**JUANA CRUZ,
OFELIABENAVIDES,
GABRIELA VELAZQOEZ, MELESIO
CRUZ,
ANGELICA CHAVEZ
OLGA PEREZ,
MAURICIO SANCHEZ,
JORGE MAULEON,
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GILDA RIVAS,
ARMANDO MORALES DE LLANO,
Individually and On Behalf of All
Others Similarly Situated,**

Plaintiffs,

V

**DELGAR FOODS, INC D/B/A/ DELIA'S
TAMALES**

Defendants.

CIVIL ACTION NO: 7:23-CV-00343

PLAINTIFFS RESPONSES TO FIRST REQUEST FOR ADMISSIONS

Plaintiffs respond to Respondent's Request for Admissions as set forth below. The following

responses are made solely for the purposes of this action. Also, attached are authorizations to release employment and/or application records.

Responses are made on the basis of information and writings currently available to and located by Plaintiffs upon reasonable investigation. Plaintiffs expressly reserve the right to modify, revise, supplement, or amend their responses as they deem appropriate.

Respectfully submitted,

/s/

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Richard R. Alamia
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956-381-5766
956-381-5774
Richard.alamia@yahoo.com

Certificate of Service

I certify that on this 2 day of May, 2024 a true and correct copy of the foregoing answers were emailed to:

**AUTHORIZATION TO RELEASE
EMPLOYMENT AND/OR APPLICATION RECORDS**

TO ALL EMPLOYERS AND POTENTIAL EMPLOYERS OF HECTOR SANCHEZ:

You are hereby authorized to furnish and release to Ogletree, Deakins, Nash, Smoak & Stewart, P.C. and/or Porter Hedges LLP, and their staff members, representatives and employees, any and all information and documents in your possession or control concerning the employment or potential employment of the above-referenced individual for use in Civil Action No. 7:23-CV-00343, styled "*Juana Cruz, et al. v. Delgar Foods, LLC dba Delia's*" pending in the United States District Court, Southern District of Texas, McAllen Division.

You are hereby authorized and requested to copy and produce any and all:

1. Employment applications;
2. Resumes;
3. Payroll records (including but not limited to pay stubs and pay advices);
4. Hour or time records;
5. Schedules;
6. Records of absences; and
7. Records of any periods of leave.

The relevant period for records responsive/covered by this authorization is 2020–2023.

A copy of this authorization should be considered as valid as the original and shall remain in effect so long as the above-mentioned case is pending.

DATED this 18th day of April, 2024.

Hector S.
HECTOR SANCHEZ

First Set of Request for Admissions

Admission 1. Defendant paid you at least minimum wage for all hours worked by you during your employment.

Response: Admit

Admission 2. Defendant paid you at least minimum wage for all hours worked by you from 2020-2023.

Response: Admit

Admission 3. Defendant paid you time-and-a-half for all hours worked over 40 in a workweek by you during your employment.

Response: Deny

Admission 4. Defendant paid you time-and-a-half for all hours worked over 40 in a workweek by you from 2020-2023.

Response: Deny

Admission 5. Defendant correctly paid you for all hours worked during your employment.

Response: Deny

Admission 6. Defendant correctly paid you for all hours worked by you from 2020-2023.

Response: Deny

Admission 7. Defendant paid you for all hours worked by you from 2020-2023.

Response: Deny

Admission 8. You reported all hours worked by you accurately to Defendant.

Response: Type text here

Admission 9. You recorded all hours worked by you for Defendant in Defendant's timekeeping system.

Response: Admit

Admission 10. You have no written documentation to rebut Defendant's time records of hours worked by you.

Response: Admit

Admission 11. While employed by Defendant, you were aware of Defendant's requirement to accurately record your hours worked.

Response: Admit

Admission 12. You at all times complied with Defendant's requirement to accurately record hours worked by you.

Response: Admit

Admission 13. You at all times complied with Defendant's requirement to accurately report hours worked by you.

Response: Admit

Admission 14. You reviewed your pay to confirm its accuracy on a weekly basis from 2020-2023.

Response: Admit

Admission 15. You reviewed your hours worked to confirm their accuracy on a weekly basis from 2020-2023.

Response: Deny

Admission 16. Defendant paid you overtime wages from 2020-2023.

Response: Admit

Admission 17. Any error made by Defendant as to your hours worked was unintentional.

Response: Deny

Admission 18. Any error made by Defendant as to your hours worked was not done willfully.

Response: Deny

Admission 19. Any error made by Defendant as to your hours worked was not done knowingly.

Response: Deny

Admission 20. Any error made by Defendant as to your pay was unintentional.

Response: Deny

Admission 21. Any error made by Defendant as to your pay was not done willfully.

Response: Deny

Admission 22. Any error made by Defendant as to your pay was not done knowingly.

Response: Deny

Admission 23. You received no cash for wages from Defendant from 2020-2023.

Response: Deny

Admission 24. You have no written documentation of hours worked by you for Defendant.

Response: Deny

Admission 25. You have never spoken to Delia Garza a/k/a/ Delia Lubin from 2020-2023.

Response: Deny

Admission 26. You have never seen Delia Garza a/k/a/ Delia Lubin from 2020-2023.

Response: Deny

Admission 27. You have never spoken to Delia Garza a/k/a/ Delia Lubin from 2020-2023 regarding your pay.

Response: Deny

Admission 28. You have never spoken to Delia Garza a/k/a/ Delia Lubin from 2020-2023 regarding hours worked.

Response: Deny

Admission 29. You have never spoken to Sofia Lubin from 2020-2023.

Response: Deny

Admission 30. You have never spoken to Sofia Lubin from 2020-2023 regarding your pay.

Response: Deny

Admission 31. You have never spoken to Sofia Lubin from 2020-2023 regarding hours worked.

Response: Deny

Admission 32. You have never spoken to Blanca Sierra from 2020-2023 regarding your pay.

Response: Deny

Admission 33. You have never spoken to Blanca Sierra from 2020-2023 regarding hours worked.

Response: Deny

Admission 34. You have never spoken to Letty Zumaya from 2020-2023 regarding your pay.

Response: Admit

Admission 35. You have never spoken to Letty Zumaya from 2020-2023 regarding hours worked.

Response: Admit

Admission 36. You have never spoken to El Guero Garza from 2020-2023 regarding your pay.

Response: Deny

Admission 37. You have never spoken to El Guero Garza from 2020-2023 regarding hours worked.

Response: Deny

Admission 38. You have never spoken to Benito Garza from 2020-2023 regarding your pay.

Response: Deny

Admission 39. You have never spoken to Benito Garza from 2020-2023 regarding hours worked.

Response: Deny

Admission 40. You have never spoken to Alberto Trevino from 2020-2023 regarding your pay.

Response: Deny

Admission 41. You have never spoken to Alberto Trevino from 2020-2023 regarding hours worked.

Response: Deny

Admission 42. You have never spoken to Mirta Garza from 2020-2023 regarding your pay.

Response: Admit

Admission 43. You have never spoken to Mirta Garza from 2020-2023 regarding hours worked.

Response: Admit

Admission 44. You have never spoken to Lorenzo Luben from 2020-2023 regarding your pay.

Response: Admit

Admission 45. You have never spoken to Lorenzo Luben from 2020-2023 regarding hours worked.

Response: Admit

Admission 46. You did not work for Defendant from 2020-2023.

Response: Deny

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

**JUANA CRUZ,
OFELIABENAVIDES,
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Individually and On Behalf of All
Others Similarly Situated,**

Plaintiffs,

V

**DELGAR FOODS, INC D/B/A/ DELIA'S
TAMALES**

Defendants.

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CIVIL ACTION NO: 7:23-CV-00343

VERIFICATION

I certify under penalty of perjury that the foregoing answers are true and correct answers of Plaintiff's to Defendant's' Request for Interrogatories included therein. The answers are true and correct to the best of Plaintiff's knowledge and information.

Respectfully submitted,

/s/

Dr. DOUGLAS A'HERN
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and

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**UNITED STATES DISTRICT COURT
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MCALLEN DIVISION**

**JUANA CRUZ,
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GILDA RIVAS,
ARMANDO MORALES DE LLANO,
Individually and On Behalf of All
Others Similarly Situated,**

Plaintiffs,

V

**DELGAR FOODS, INC D/B/A/ DELIA'S
TAMALES**

Defendants.

CIVIL ACTION NO: 7:23-CV-00343

PLAINTIFFS RESPONSES TO FIRST REQUEST FOR ADMISSIONS

Plaintiffs respond to Respondent's Request for Admissions as set forth below. The following

responses are made solely for the purposes of this action. Also, attached are authorizations to release employment and/or application records.

Responses are made on the basis of information and writings currently available to and located by Plaintiffs upon reasonable investigation. Plaintiffs expressly reserve the right to modify, revise, supplement, or amend their responses as they deem appropriate.

Respectfully submitted,

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and

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Attorney at Law
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956-381-5766
956-381-5774
Richard.alamia@yahoo.com

Certificate of Service

I certify that on this 2 day of May, 2024 a true and correct copy of the foregoing answers were emailed to:

**AUTHORIZATION TO RELEASE
EMPLOYMENT AND/OR APPLICATION RECORDS**

TO ALL EMPLOYERS AND POTENTIAL EMPLOYERS OF JOSE ELIAS NG:

You are hereby authorized to furnish and release to Ogletree, Deakins, Nash, Smoak & Stewart, P.C. and/or Porter Hedges LLP, and their staff members, representatives and employees, any and all information and documents in your possession or control concerning the employment or potential employment of the above-referenced individual for use in Civil Action No. 7:23-CV-00343, styled "*Juana Cruz, et al. v. Delgar Foods, LLC dba Delia's*" pending in the United States District Court, Southern District of Texas, McAllen Division.

You are hereby authorized and requested to copy and produce any and all:

1. Employment applications;
2. Resumes;
3. Payroll records (including but not limited to pay stubs and pay advices);
4. Hour or time records;
5. Schedules;
6. Records of absences; and
7. Records of any periods of leave.

The relevant period for records responsive/covered by this authorization is 2020–2023.

A copy of this authorization should be considered as valid as the original and shall remain in effect so long as the above-mentioned case is pending.

DATED this 17th day of April, 2024.

JOSE ELIAS NG



First Set of Request for Admissions

Admission 1. Defendant paid you at least minimum wage for all hours worked by you during your employment.

Response: Deny

Admission 2. Defendant paid you at least minimum wage for all hours worked by you from 2020-2023.

Response: Admit

Admission 3. Defendant paid you time-and-a-half for all hours worked over 40 in a workweek by you during your employment.

Response: Deny

Admission 4. Defendant paid you time-and-a-half for all hours worked over 40 in a workweek by you from 2020-2023.

Response: Deny

Admission 5. Defendant correctly paid you for all hours worked during your employment.

Response: Deny

Admission 6. Defendant correctly paid you for all hours worked by you from 2020-2023.

Response: Admit

Admission 7. Defendant paid you for all hours worked by you from 2020-2023.

Response: Deny

Admission 8. You reported all hours worked by you accurately to Defendant.

Response: Deny

Admission 9. You recorded all hours worked by you for Defendant in Defendant's timekeeping system.

Response: Admit

Admission 10. You have no written documentation to rebut Defendant's time records of hours worked by you.

Response: Admit

Admission 11. While employed by Defendant, you were aware of Defendant's requirement to accurately record your hours worked.

Response: Deny

Admission 12. You at all times complied with Defendant's requirement to accurately record hours worked by you.

Response: Admit

Admission 13. You at all times complied with Defendant's requirement to accurately report hours worked by you.

Response: Admit

Admission 14. You reviewed your pay to confirm its accuracy on a weekly basis from 2020-2023.

Response: Admit

Admission 15. You reviewed your hours worked to confirm their accuracy on a weekly basis from 2020-2023.

Response: Admit

Admission 16. Defendant paid you overtime wages from 2020-2023.

Response: Admit

Admission 17. Any error made by Defendant as to your hours worked was unintentional.

Response: Deny

Admission 18. Any error made by Defendant as to your hours worked was not done willfully.

Response: Deny

Admission 19. Any error made by Defendant as to your hours worked was not done knowingly.

Response: Deny

Admission 20. Any error made by Defendant as to your pay was unintentional.

Response: Deny

Admission 21. Any error made by Defendant as to your pay was not done willfully.

Response: Deny

Admission 22. Any error made by Defendant as to your pay was not done knowingly.

Response: Deny

Admission 23. You received no cash for wages from Defendant from 2020-2023.

Response: Admit

Admission 24. You have no written documentation of hours worked by you for Defendant.

Response: Admit

Admission 25. You have never spoken to Delia Garza a/k/a/ Delia Lubin from 2020-2023.

Response: Deny

Admission 26. You have never seen Delia Garza a/k/a/ Delia Lubin from 2020-2023.

Response: Deny

Admission 27. You have never spoken to Delia Garza a/k/a/ Delia Lubin from 2020-2023 regarding your pay.

Response: Deny

Admission 28. You have never spoken to Delia Garza a/k/a/ Delia Lubin from 2020-2023 regarding hours worked.

Response: Deny

Admission 29. You have never spoken to Sofia Lubin from 2020-2023.

Response: Deny

Admission 30. You have never spoken to Sofia Lubin from 2020-2023 regarding your pay.

Response: Deny

Admission 31. You have never spoken to Sofia Lubin from 2020-2023 regarding hours worked.

Response: Deny

Admission 32. You have never spoken to Blanca Sierra from 2020-2023 regarding your pay.

Response: Deny

Admission 33. You have never spoken to Blanca Sierra from 2020-2023 regarding hours worked.

Response: Deny

Admission 34. You have never spoken to Letty Zumaya from 2020-2023 regarding your pay.

Response: Deny

Admission 35. You have never spoken to Letty Zumaya from 2020-2023 regarding hours worked.

Response: Deny

Admission 36. You have never spoken to El Guero Garza from 2020-2023 regarding your pay.

Response: Admit

Admission 37. You have never spoken to El Guero Garza from 2020-2023 regarding hours worked.

Response: Admit

Admission 38. You have never spoken to Benito Garza from 2020-2023 regarding your pay.

Response: Admit

Admission 39. You have never spoken to Benito Garza from 2020-2023 regarding hours worked.

Response: Admit

Admission 40. You have never spoken to Alberto Trevino from 2020-2023 regarding your pay.

Response: Deny

Admission 41. You have never spoken to Alberto Trevino from 2020-2023 regarding hours worked.

Response: Deny

Admission 42. You have never spoken to Mirta Garza from 2020-2023 regarding your pay.

Response: Admit

Admission 43. You have never spoken to Mirta Garza from 2020-2023 regarding hours worked.

Response: Admit

Admission 44. You have never spoken to Lorenzo Luben from 2020-2023 regarding your pay.

Response: Admit

Admission 45. You have never spoken to Lorenzo Luben from 2020-2023 regarding hours worked.

Response: Admit

Admission 46. You did not work for Defendant from 2020-2023.

Response: Deny

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

**JUANA CRUZ,
OFELIABENAVIDES,
GABRIELA VELAZQOEZ, MELESIO
CRUZ,
ANGELICA CHAVEZ
OLGA PEREZ,
MAURICIO SANCHEZ,
JORGE MAULEON,
HECTOR GONZALEZ,
YESSYPEREZ,
LUIS ALBERTO ZUNGA,
GONZALO ESQUIVEL,
PATRICIA CONDE,
NORMA CONDE,
RAFAEL SANCHEZ,
ROSA QUINTANILLA,
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ROSENDO LIEVANOS,
MARIA DE LOURDES CRUZ,
JOSE ELIAS NG,
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ELIZABETH LARA,
MIGUEL CABALLERO,
CARLOS DANIEL LOPEZ,
GILDA RIVAS,
ARMANDO MORALES DE LLANO,
Individually and On Behalf of All
Others Similarly Situated,**

Plaintiffs,

V

**DELGAR FOODS, INC D/B/A/ DELIA'S
TAMALES**

Defendants.

1. *What is the purpose of this document?*
 2. *What are the main findings of the study?*
 3. *What are the implications of the findings?*
 4. *What are the limitations of the study?*
 5. *What are the conclusions of the study?*
 6. *What are the recommendations of the study?*
 7. *What are the future research directions?*
 8. *What are the acknowledgments?*
 9. *What are the references?*
 10. *What are the appendices?*
 11. *What are the footnotes?*
 12. *What are the tables?*
 13. *What are the figures?*
 14. *What are the captions?*
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 218. *What are the subtitles?*
 219.

CIVIL ACTION NO: 7:23-CV-00343

VERIFICATION

I certify under penalty of perjury that the foregoing answers are true and correct answers of Plaintiff's to Defendant's' Request for Interrogatories included therein. The answers are true and correct to the best of Plaintiff's knowledge and information.

Respectfully submitted,

/s/

Dr. DOUGLAS A'HERN
A'Hern Law Group PLLC
P -16516 El Camino Real # 349
Houston, TX 77062
S - 1111 W. Nolana Ave
McAllen, Texas 78504
Tel: (281) 904 3797
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douglas.a.ahern@gmail.com

and

/s/

Richard R. Alamia
Attorney at Law
619 S. 12th Ave.
Edinburg, TX. 78539
956-381-5766
956-381-5774
Richard.alamia@yahoo.com

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

**JUANA CRUZ,
OFELIABENAVIDES,
GABRIELA VELAZQOEZ, MELESIO
CRUZ,
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MAURICIO SANCHEZ,
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CARLOS DANIEL LOPEZ,
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ARMANDO MORALES DE LLANO,
Individually and On Behalf of All
Others Similarly Situated,**

Plaintiffs,

V

**DELGAR FOODS, INC D/B/A/ DELIA'S
TAMALES**

Defendants.

CIVIL ACTION NO: 7:23-CV-00343

PLAINTIFFS RESPONSES TO FIRST REQUEST FOR ADMISSIONS

Plaintiffs respond to Respondent's Request for Admissions as set forth below. The following

responses are made solely for the purposes of this action. Also, attached are authorizations to release employment and/or application records.

Responses are made on the basis of information and writings currently available to and located by Plaintiffs upon reasonable investigation. Plaintiffs expressly reserve the right to modify, revise, supplement, or amend their responses as they deem appropriate.

Respectfully submitted,

/s/

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douglas.a.ahern@gmail.com

and

Richard R. Alamia
Attorney at Law
619 S. 12th Ave.
Edinburg, TX. 78539
956-381-5766
956-381-5774
Richard.alamia@yahoo.com

Certificate of Service

I certify that on this 2 day of May, 2024 a true and correct copy of the foregoing answers were emailed to:

First Set of Request for Admissions

Admission 1. Defendant paid you at least minimum wage for all hours worked by you during your employment.

Response: Deny

Admission 2. Defendant paid you at least minimum wage for all hours worked by you from 2020-2023.

Response: Deny

Admission 3. Defendant paid you time-and-a-half for all hours worked over 40 in a workweek by you during your employment.

Response: Deny

Admission 4. Defendant paid you time-and-a-half for all hours worked over 40 in a workweek by you from 2020-2023.

Response: Deny

Admission 5. Defendant correctly paid you for all hours worked during your employment.

Response: Deny

Admission 6. Defendant correctly paid you for all hours worked by you from 2020-2023.

Response: Deny

Admission 7. Defendant paid you for all hours worked by you from 2020-2023.

Response: Deny

Admission 8. You reported all hours worked by you accurately to Defendant.

Response: Admit

Admission 9. You recorded all hours worked by you for Defendant in Defendant's timekeeping system.

Response: Admit

Admission 10. You have no written documentation to rebut Defendant's time records of hours worked by you.

Response: Admit

Admission 11. While employed by Defendant, you were aware of Defendant's requirement to accurately record your hours worked.

Response: Admit

Admission 12. You at all times complied with Defendant's requirement to accurately record hours worked by you.

Response: Admit

Admission 13. You at all times complied with Defendant's requirement to accurately report hours worked by you.

Response: Admit

Admission 14. You reviewed your pay to confirm its accuracy on a weekly basis from 2020-2023.

Response: Deny

Admission 15. You reviewed your hours worked to confirm their accuracy on a weekly basis from 2020-2023.

Response: Deny

Admission 16. Defendant paid you overtime wages from 2020-2023.

Response: Admit

Admission 17. Any error made by Defendant as to your hours worked was unintentional.

Response: Deny

Admission 18. Any error made by Defendant as to your hours worked was not done willfully.

Response: Deny

Admission 19. Any error made by Defendant as to your hours worked was not done knowingly.

Response: Deny

Admission 20. Any error made by Defendant as to your pay was unintentional.

Response: Deny

Admission 21. Any error made by Defendant as to your pay was not done willfully.

Response: Deny

Admission 22. Any error made by Defendant as to your pay was not done knowingly.

Response: Deny

Admission 23. You received no cash for wages from Defendant from 2020-2023.

Response: Deny

Admission 24. You have no written documentation of hours worked by you for Defendant.

Response: Admit

Admission 25. You have never spoken to Delia Garza a/k/a/ Delia Lubin from 2020-2023.

Response: Deny

Admission 26. You have never seen Delia Garza a/k/a/ Delia Lubin from 2020-2023.

Response: Deny

Admission 27. You have never spoken to Delia Garza a/k/a/ Delia Lubin from 2020-2023 regarding your pay.

Response: Admit

Admission 28. You have never spoken to Delia Garza a/k/a/ Delia Lubin from 2020-2023 regarding hours worked.

Response: Admit

Admission 29. You have never spoken to Sofia Lubin from 2020-2023.

Response: Admit

Admission 30. You have never spoken to Sofia Lubin from 2020-2023 regarding your pay.

Response: Admit

Admission 31. You have never spoken to Sofia Lubin from 2020-2023 regarding hours worked.

Response: Admit

Admission 32. You have never spoken to Blanca Sierra from 2020-2023 regarding your pay.

Response: Deny

Admission 33. You have never spoken to Blanca Sierra from 2020-2023 regarding hours worked.

Response: Deny

Admission 34. You have never spoken to Letty Zumaya from 2020-2023 regarding your pay.

Response: Admit

Admission 35. You have never spoken to Letty Zumaya from 2020-2023 regarding hours worked.

Response: Admit

Admission 36. You have never spoken to El Guero Garza from 2020-2023 regarding your pay.

Response: Admit

Admission 37. You have never spoken to El Guero Garza from 2020-2023 regarding hours worked.

Response: Admit

Admission 38. You have never spoken to Benito Garza from 2020-2023 regarding your pay.

Response: Admit

Admission 39. You have never spoken to Benito Garza from 2020-2023 regarding hours worked.

Response: Admit

Admission 40. You have never spoken to Alberto Trevino from 2020-2023 regarding your pay.

Response: Deny

Admission 41. You have never spoken to Alberto Trevino from 2020-2023 regarding hours worked.

Response: Deny

Admission 42. You have never spoken to Mirta Garza from 2020-2023 regarding your pay.

Response: Admit

Admission 43. You have never spoken to Mirta Garza from 2020-2023 regarding hours worked.

Response: Admit

Admission 44. You have never spoken to Lorenzo Luben from 2020-2023 regarding your pay.

Response: Admit

Admission 45. You have never spoken to Lorenzo Luben from 2020-2023 regarding hours worked.

Response: Admit

Admission 46. You did not work for Defendant from 2020-2023.

Response: Deny

I certify under penalty of perjury that the foregoing answers are true and correct answers of Plaintiff's to Defendant's' Request for Interrogatories included therein. The answers are true and correct to the best of Plaintiff's knowledge and information.

Respectfully submitted,

/s/

Dr. DOUGLAS A'HERN
A'Hern Law Group PLLC
P -16516 El Camino Real # 349
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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

**JUANA CRUZ,
OFELIABENAVIDES,
GABRIELA VELAZQOEZ, MELESIO
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ANGELICA CHAVEZ
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MAURICIO SANCHEZ,
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GILDA RIVAS,
ARMANDO MORALES DE LLANO,
Individually and On Behalf of All
Others Similarly Situated,**

Plaintiffs,

V

**DELGAR FOODS, INC D/B/A/ DELIA'S
TAMALES**

Defendants.

CIVIL ACTION NO: 7:23-CV-00343

PLAINTIFFS RESPONSES TO FIRST REQUEST FOR ADMISSIONS

Plaintiffs respond to Respondent's Request for Admissions as set forth below. The following

responses are made solely for the purposes of this action. Also, attached are authorizations to release employment and/or application records.

Responses are made on the basis of information and writings currently available to and located by Plaintiffs upon reasonable investigation. Plaintiffs expressly reserve the right to modify, revise, supplement, or amend their responses as they deem appropriate.

Respectfully submitted,

/s/

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and

Richard R. Alamia
Attorney at Law
619 S. 12th Ave.
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956-381-5766
956-381-5774
Richard.alamia@yahoo.com

Certificate of Service

I certify that on this 2 day of May, 2024 a true and correct copy of the foregoing answers were emailed to:

**AUTHORIZATION TO RELEASE
EMPLOYMENT AND/OR APPLICATION RECORDS**

TO ALL EMPLOYERS AND POTENTIAL EMPLOYERS OF MARIA DE JESUS MEDINA:

You are hereby authorized to furnish and release to Ogletree, Deakins, Nash, Smoak & Stewart, P.C. and/or Porter Hedges LLP, and their staff members, representatives and employees, any and all information and documents in your possession or control concerning the employment or potential employment of the above-referenced individual for use in Civil Action No. 7:23-CV-00343, styled "*Juana Cruz, et al. v. Delgar Foods, LLC dba Delia's*" pending in the United States District Court, Southern District of Texas, McAllen Division.

You are hereby authorized and requested to copy and produce any and all:

1. Employment applications;
2. Resumes;
3. Payroll records (including but not limited to pay stubs and pay advices);
4. Hour or time records;
5. Schedules;
6. Records of absences; and
7. Records of any periods of leave.

The relevant period for records responsive/covered by this authorization is 2020–2023.

A copy of this authorization should be considered as valid as the original and shall remain in effect so long as the above-mentioned case is pending.

DATED this 1 day of May, 2024.



MARIA DE JESUS MEDINA

First Set of Request for Admissions

Admission 1. Defendant paid you at least minimum wage for all hours worked by you during your employment.

Response: Deny

Admission 2. Defendant paid you at least minimum wage for all hours worked by you from 2020-2023.

Response: Deny

Admission 3. Defendant paid you time-and-a-half for all hours worked over 40 in a workweek by you during your employment.

Response: Deny

Admission 4. Defendant paid you time-and-a-half for all hours worked over 40 in a workweek by you from 2020-2023.

Response: Deny

Admission 5. Defendant correctly paid you for all hours worked during your employment.

Response: Deny

Admission 6. Defendant correctly paid you for all hours worked by you from 2020-2023.

Response: Deny

Admission 7. Defendant paid you for all hours worked by you from 2020-2023.

Response: Deny

Admission 8. You reported all hours worked by you accurately to Defendant.

Response: Admit

Admission 9. You recorded all hours worked by you for Defendant in Defendant's timekeeping system.

Response: Admit

Admission 10. You have no written documentation to rebut Defendant's time records of hours worked by you.

Response: Admit

Admission 11. While employed by Defendant, you were aware of Defendant's requirement to accurately record your hours worked.

Response: Admit

Admission 12. You at all times complied with Defendant's requirement to accurately record hours worked by you.

Response: Admit

Admission 13. You at all times complied with Defendant's requirement to accurately report hours worked by you.

Response: Admit

Admission 14. You reviewed your pay to confirm its accuracy on a weekly basis from 2020-2023.

Response: Deny

Admission 15. You reviewed your hours worked to confirm their accuracy on a weekly basis from 2020-2023.

Response: Deny

Admission 16. Defendant paid you overtime wages from 2020-2023.

Response: Admit

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Response: Deny

Admission 18. Any error made by Defendant as to your hours worked was not done willfully.

Response: Deny

Admission 19. Any error made by Defendant as to your hours worked was not done knowingly.

Response: Deny

Admission 20. Any error made by Defendant as to your pay was unintentional.

Response: Deny

Admission 21. Any error made by Defendant as to your pay was not done willfully.

Response: Deny

Admission 22. Any error made by Defendant as to your pay was not done knowingly.

Response: Deny

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Response: Deny

Admission 24. You have no written documentation of hours worked by you for Defendant.

Response: Admit

Admission 25. You have never spoken to Delia Garza a/k/a/ Delia Lubin from 2020-2023.

Response: Deny

Admission 26. You have never seen Delia Garza a/k/a/ Delia Lubin from 2020-2023.

Response: Deny

Admission 27. You have never spoken to Delia Garza a/k/a/ Delia Lubin from 2020-2023 regarding your pay.

Response: Admit

Admission 28. You have never spoken to Delia Garza a/k/a/ Delia Lubin from 2020-2023 regarding hours worked.

Response: Admit

Admission 29. You have never spoken to Sofia Lubin from 2020-2023.

Response: Admit

Admission 30. You have never spoken to Sofia Lubin from 2020-2023 regarding your pay.

Response: Admit

Admission 31. You have never spoken to Sofia Lubin from 2020-2023 regarding hours worked.

Response: Admit

Admission 32. You have never spoken to Blanca Sierra from 2020-2023 regarding your pay.

Response: Deny

Admission 33. You have never spoken to Blanca Sierra from 2020-2023 regarding hours worked.

Response: Deny

Admission 34. You have never spoken to Letty Zumaya from 2020-2023 regarding your pay.

Response: Admit

Admission 35. You have never spoken to Letty Zumaya from 2020-2023 regarding hours worked.

Response: Admit

Admission 36. You have never spoken to El Guero Garza from 2020-2023 regarding your pay.

Response: Admit

Admission 37. You have never spoken to El Guero Garza from 2020-2023 regarding hours worked.

Response: Admit

Admission 38. You have never spoken to Benito Garza from 2020-2023 regarding your pay.

Response: Admit

Admission 39. You have never spoken to Benito Garza from 2020-2023 regarding hours worked.

Response: Admit

Admission 40. You have never spoken to Alberto Trevino from 2020-2023 regarding your pay.

Response: Deny

Admission 41. You have never spoken to Alberto Trevino from 2020-2023 regarding hours worked.

Response: Deny

Admission 42. You have never spoken to Mirta Garza from 2020-2023 regarding your pay.

Response: Admit

Admission 43. You have never spoken to Mirta Garza from 2020-2023 regarding hours worked.

Response: Admit

Admission 44. You have never spoken to Lorenzo Luben from 2020-2023 regarding your pay.

Response: Admit

Admission 45. You have never spoken to Lorenzo Luben from 2020-2023 regarding hours worked.

Response: Admit

Admission 46. You did not work for Defendant from 2020-2023.

Response: Deny

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

**JUANA CRUZ,
OFELIABENAVIDES,
GABRIELA VELAZQOEZ, MELESIO
CRUZ,
ANGELICA CHAVEZ
OLGA PEREZ,
MAURICIO SANCHEZ,
JORGE MAULEON,
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ROSENDO LIEVANOS,
MARIA DE LOURDES CRUZ,
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RICARDO GONZALO,
CONCEPCION PEREZ,
ELIZABETH LARA,
MIGUEL CABALLERO,
CARLOS DANIEL LOPEZ,
GILDA RIVAS,
ARMANDO MORALES DE LLANO,
Individually and On Behalf of All
Others Similarly Situated,**

Plaintiffs,

V

**DELGAR FOODS, INC D/B/A/ DELIA'S
TAMALES**

Defendants.

CIVIL ACTION NO: 7:23-CV-00343

VERIFICATION

I certify under penalty of perjury that the foregoing answers are true and correct answers of Plaintiff's to Defendant's' Request for Interrogatories included therein. The answers are true and correct to the best of Plaintiff's knowledge and information.

Respectfully submitted,

/s/

Dr. DOUGLAS A'HERN
A'Hern Law Group PLLC
P -16516 El Camino Real # 349
Houston, TX 77062
S - 1111 W. Nolana Ave
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and

/s/

Richard R. Alamia
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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

**JUANA CRUZ,
OFELIABENAVIDES,
GABRIELA VELAZQOEZ, MELESIO
CRUZ,
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Individually and On Behalf of All
Others Similarly Situated,**

Plaintiffs,

V

**DELGAR FOODS, INC D/B/A/ DELIA'S
TAMALES**

Defendants.

CIVIL ACTION NO: 7:23-CV-00343

PLAINTIFFS RESPONSES TO FIRST REQUEST FOR ADMISSIONS

Plaintiffs respond to Respondent's Request for Admissions as set forth below. The following

responses are made solely for the purposes of this action. Also, attached are authorizations to release employment and/or application records.

Responses are made on the basis of information and writings currently available to and located by Plaintiffs upon reasonable investigation. Plaintiffs expressly reserve the right to modify, revise, supplement, or amend their responses as they deem appropriate.

Respectfully submitted,

/s/

Dr. DOUGLAS A'HERN
A'Hern Law Group PLLC
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and

Richard R. Alamia
Attorney at Law
619 S. 12th Ave.
Edinburg, TX. 78539
956-381-5766
956-381-5774
Richard.alamia@yahoo.com

Certificate of Service

I certify that on this 2 day of May, 2024 a true and correct copy of the foregoing answers were emailed to:

**AUTHORIZATION TO RELEASE
EMPLOYMENT AND/OR APPLICATION RECORDS**

TO ALL EMPLOYERS AND POTENTIAL EMPLOYERS OF MARIA DE LOURDES CRUZ:

You are hereby authorized to furnish and release to Ogletree, Deakins, Nash, Smoak & Stewart, P.C. and/or Porter Hedges LLP, and their staff members, representatives and employees, any and all information and documents in your possession or control concerning the employment or potential employment of the above-referenced individual for use in Civil Action No. 7:23-CV-00343, styled "*Juana Cruz, et al. v. Delgar Foods, LLC dba Delia's*" pending in the United States District Court, Southern District of Texas, McAllen Division.

You are hereby authorized and requested to copy and produce any and all:

1. Employment applications;
2. Resumes;
3. Payroll records (including but not limited to pay stubs and pay advices);
4. Hour or time records;
5. Schedules;
6. Records of absences; and
7. Records of any periods of leave.

The relevant period for records responsive/covered by this authorization is 2020–2023.

A copy of this authorization should be considered as valid as the original and shall remain in effect so long as the above-mentioned case is pending.

DATED this 18th day of April, 2024.



MARIA DE LOURDES CRUZ

First Set of Request for Admissions

Admission 1. Defendant paid you at least minimum wage for all hours worked by you during your employment.

Response: Deny

Admission 2. Defendant paid you at least minimum wage for all hours worked by you from 2020-2023.

Response: Admit

Admission 3. Defendant paid you time-and-a-half for all hours worked over 40 in a workweek by you during your employment.

Response: Deny

Admission 4. Defendant paid you time-and-a-half for all hours worked over 40 in a workweek by you from 2020-2023.

Response: Deny

Admission 5. Defendant correctly paid you for all hours worked during your employment.

Response: Deny

Admission 6. Defendant correctly paid you for all hours worked by you from 2020-2023.

Response: Admit

Admission 7. Defendant paid you for all hours worked by you from 2020-2023.

Response: Deny

Admission 8. You reported all hours worked by you accurately to Defendant.

Response: Deny

Admission 9. You recorded all hours worked by you for Defendant in Defendant's timekeeping system.

Response: Admit

Admission 10. You have no written documentation to rebut Defendant's time records of hours worked by you.

Response: Admit

Admission 11. While employed by Defendant, you were aware of Defendant's requirement to accurately record your hours worked.

Response: Deny

Admission 12. You at all times complied with Defendant's requirement to accurately record hours worked by you.

Response: Admit

Admission 13. You at all times complied with Defendant's requirement to accurately report hours worked by you.

Response: Admit

Admission 14. You reviewed your pay to confirm its accuracy on a weekly basis from 2020-2023.

Response: Admit

Admission 15. You reviewed your hours worked to confirm their accuracy on a weekly basis from 2020-2023.

Response: Admit

Admission 16. Defendant paid you overtime wages from 2020-2023.

Response: Admit

Admission 17. Any error made by Defendant as to your hours worked was unintentional.

Response: Deny

Admission 18. Any error made by Defendant as to your hours worked was not done willfully.

Response: Deny

Admission 19. Any error made by Defendant as to your hours worked was not done knowingly.

Response: Deny

Admission 20. Any error made by Defendant as to your pay was unintentional.

Response: Deny

Admission 21. Any error made by Defendant as to your pay was not done willfully.

Response: Deny

Admission 22. Any error made by Defendant as to your pay was not done knowingly.

Response: Deny

Admission 23. You received no cash for wages from Defendant from 2020-2023.

Response: Admit

Admission 24. You have no written documentation of hours worked by you for Defendant.

Response: Admit

Admission 25. You have never spoken to Delia Garza a/k/a/ Delia Lubin from 2020-2023.

Response: Deny

Admission 26. You have never seen Delia Garza a/k/a/ Delia Lubin from 2020-2023.

Response: Deny

Admission 27. You have never spoken to Delia Garza a/k/a/ Delia Lubin from 2020-2023 regarding your pay.

Response: Deny

Admission 28. You have never spoken to Delia Garza a/k/a/ Delia Lubin from 2020-2023 regarding hours worked.

Response: Deny

Admission 29. You have never spoken to Sofia Lubin from 2020-2023.

Response: Deny

Admission 30. You have never spoken to Sofia Lubin from 2020-2023 regarding your pay.

Response: Deny

Admission 31. You have never spoken to Sofia Lubin from 2020-2023 regarding hours worked.

Response: Deny

Admission 32. You have never spoken to Blanca Sierra from 2020-2023 regarding your pay.

Response: Deny

Admission 33. You have never spoken to Blanca Sierra from 2020-2023 regarding hours worked.

Response: Deny

Admission 34. You have never spoken to Letty Zumaya from 2020-2023 regarding your pay.

Response: Deny

Admission 35. You have never spoken to Letty Zumaya from 2020-2023 regarding hours worked.

Response: Deny

Admission 36. You have never spoken to El Guero Garza from 2020-2023 regarding your pay.

Response: Admit

Admission 37. You have never spoken to El Guero Garza from 2020-2023 regarding hours worked.

Response: Admit

Admission 38. You have never spoken to Benito Garza from 2020-2023 regarding your pay.

Response: Admit

Admission 39. You have never spoken to Benito Garza from 2020-2023 regarding hours worked.

Response: Admit

Admission 40. You have never spoken to Alberto Trevino from 2020-2023 regarding your pay.

Response: Deny

Admission 41. You have never spoken to Alberto Trevino from 2020-2023 regarding hours worked.

Response: Deny

Admission 42. You have never spoken to Mirta Garza from 2020-2023 regarding your pay.

Response: Admit

Admission 43. You have never spoken to Mirta Garza from 2020-2023 regarding hours worked.

Response: Admit

Admission 44. You have never spoken to Lorenzo Luben from 2020-2023 regarding your pay.

Response: Admit

Admission 45. You have never spoken to Lorenzo Luben from 2020-2023 regarding hours worked.

Response: Admit

Admission 46. You did not work for Defendant from 2020-2023.

Response: Deny

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

**JUANA CRUZ,
OFELIABENAVIDES,
GABRIELA VELAZQOEZ, MELESIO
CRUZ,
ANGELICA CHAVEZ
OLGA PEREZ,
MAURICIO SANCHEZ,
JORGE MAULEON,
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ELIZABETH LARA,
MIGUEL CABALLERO,
CARLOS DANIEL LOPEZ,
GILDA RIVAS,
ARMANDO MORALES DE LLANO,
Individually and On Behalf of All
Others Similarly Situated,**

Plaintiffs,

V

**DELGAR FOODS, INC D/B/A/ DELIA'S
TAMALES**

Defendants.

CIVIL ACTION NO: 7:23-CV-00343

VERIFICATION

I certify under penalty of perjury that the foregoing answers are true and correct answers of Plaintiff's to Defendant's' Request for Interrogatories included therein. The answers are true and correct to the best of Plaintiff's knowledge and information.

Respectfully submitted,

/s/

Dr. DOUGLAS A'HERN
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and

/s/

Richard R. Alamia
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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

**JUANA CRUZ,
OFELIABENAVIDES,
GABRIELA VELAZQOEZ, MELESIO
CRUZ,
ANGELICA CHAVEZ
OLGA PEREZ,
MAURICIO SANCHEZ,
JORGE MAULEON,
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YESSYPEREZ,
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GONZALO ESQUIVEL,
PATRICIA CONDE,
NORMA CONDE,
RAFAEL SANCHEZ,
ROSA QUINTANILLA,
HECTOR SANCHEZ,
ROSENDO LIEVANOS,
MARIA DE LOURDES CRUZ,
JOSE ELIAS NG,
RICARDO GONZALO,
CONCEPCION PEREZ,
ELIZABETH LARA,
MIGUEL CABALLERO,
CARLOS DANIEL LOPEZ,
GILDA RIVAS,
ARMANDO MORALES DE LLANO,
Individually and On Behalf of All
Others Similarly Situated,**

Plaintiffs,

V

**DELGAR FOODS, INC D/B/A/ DELIA'S
TAMALES**

Defendants.

CIVIL ACTION NO: 7:23-CV-00343

PLAINTIFFS RESPONSES TO FIRST REQUEST FOR ADMISSIONS

Plaintiffs respond to Respondent's Request for Admissions as set forth below. The following

responses are made solely for the purposes of this action. Also, attached are authorizations to release employment and/or application records.

Responses are made on the basis of information and writings currently available to and located by Plaintiffs upon reasonable investigation. Plaintiffs expressly reserve the right to modify, revise, supplement, or amend their responses as they deem appropriate.

Respectfully submitted,

/s/

Dr. DOUGLAS A'HERN
A'Hern Law Group PLLC
P -16516 El Camino Real # 349
Houston, TX 77062
S - 1111 W. Nolana Ave
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and

Richard R. Alamia
Attorney at Law
619 S. 12th Ave.
Edinburg, TX. 78539
956-381-5766
956-381-5774
Richard.alamia@yahoo.com

Certificate of Service

I certify that on this 2 day of May, 2024 a true and correct copy of the foregoing answers were emailed to:

**AUTHORIZATION TO RELEASE
EMPLOYMENT AND/OR APPLICATION RECORDS**

TO ALL EMPLOYERS AND POTENTIAL EMPLOYERS OF MAURICIO SANCHEZ:

You are hereby authorized to furnish and release to Ogletree, Deakins, Nash, Smoak & Stewart, P.C. and/or Porter Hedges LLP, and their staff members, representatives and employees, any and all information and documents in your possession or control concerning the employment or potential employment of the above-referenced individual for use in Civil Action No. 7:23-CV-00343, styled "*Juana Cruz, et al. v. Delgar Foods, LLC dba Delia's*" pending in the United States District Court, Southern District of Texas, McAllen Division.

You are hereby authorized and requested to copy and produce any and all:

1. Employment applications;
2. Resumes;
3. Payroll records (including but not limited to pay stubs and pay advices);
4. Hour or time records;
5. Schedules;
6. Records of absences; and
7. Records of any periods of leave.

The relevant period for records responsive/covered by this authorization is 2020–2023.

A copy of this authorization should be considered as valid as the original and shall remain in effect so long as the above-mentioned case is pending.

DATED this 12th day of April, 2024.

Mauricio Sanchez
MAURICIO SANCHEZ

First Set of Request for Admissions

Admission 1. Defendant paid you at least minimum wage for all hours worked by you during your employment.

Response: Deny

Admission 2. Defendant paid you at least minimum wage for all hours worked by you from 2020-2023.

Response: Admit

Admission 3. Defendant paid you time-and-a-half for all hours worked over 40 in a workweek by you during your employment.

Response: Deny

Admission 4. Defendant paid you time-and-a-half for all hours worked over 40 in a workweek by you from 2020-2023.

Response: Deny

Admission 5. Defendant correctly paid you for all hours worked during your employment.

Response: Deny

Admission 6. Defendant correctly paid you for all hours worked by you from 2020-2023.

Response: Admit

Admission 7. Defendant paid you for all hours worked by you from 2020-2023.

Response: Deny

Admission 8. You reported all hours worked by you accurately to Defendant.

Response: Deny

Admission 9. You recorded all hours worked by you for Defendant in Defendant's timekeeping system.

Response: Admit

Admission 10. You have no written documentation to rebut Defendant's time records of hours worked by you.

Response: Admit

Admission 11. While employed by Defendant, you were aware of Defendant's requirement to accurately record your hours worked.

Response: Deny

Admission 12. You at all times complied with Defendant's requirement to accurately record hours worked by you.

Response: Admit

Admission 13. You at all times complied with Defendant's requirement to accurately report hours worked by you.

Response: Admit

Admission 14. You reviewed your pay to confirm its accuracy on a weekly basis from 2020-2023.

Response: Admit

Admission 15. You reviewed your hours worked to confirm their accuracy on a weekly basis from 2020-2023.

Response: Admit

Admission 16. Defendant paid you overtime wages from 2020-2023.

Response: Admit

Admission 17. Any error made by Defendant as to your hours worked was unintentional.

Response: Deny

Admission 18. Any error made by Defendant as to your hours worked was not done willfully.

Response: Deny

Admission 19. Any error made by Defendant as to your hours worked was not done knowingly.

Response: Deny

Admission 20. Any error made by Defendant as to your pay was unintentional.

Response: Deny

Admission 21. Any error made by Defendant as to your pay was not done willfully.

Response: Deny

Admission 22. Any error made by Defendant as to your pay was not done knowingly.

Response: Deny

Admission 23. You received no cash for wages from Defendant from 2020-2023.

Response: Admit

Admission 24. You have no written documentation of hours worked by you for Defendant.

Response: Admit

Admission 25. You have never spoken to Delia Garza a/k/a/ Delia Lubin from 2020-2023.

Response: Deny

Admission 26. You have never seen Delia Garza a/k/a/ Delia Lubin from 2020-2023.

Response: Deny

Admission 27. You have never spoken to Delia Garza a/k/a/ Delia Lubin from 2020-2023 regarding your pay.

Response: Deny

Admission 28. You have never spoken to Delia Garza a/k/a/ Delia Lubin from 2020-2023 regarding hours worked.

Response: Deny

Admission 29. You have never spoken to Sofia Lubin from 2020-2023.

Response: Deny

Admission 30. You have never spoken to Sofia Lubin from 2020-2023 regarding your pay.

Response: Deny

Admission 31. You have never spoken to Sofia Lubin from 2020-2023 regarding hours worked.

Response: Deny

Admission 32. You have never spoken to Blanca Sierra from 2020-2023 regarding your pay.

Response: Deny

Admission 33. You have never spoken to Blanca Sierra from 2020-2023 regarding hours worked.

Response: Deny

Admission 34. You have never spoken to Letty Zumaya from 2020-2023 regarding your pay.

Response: Deny

Admission 35. You have never spoken to Letty Zumaya from 2020-2023 regarding hours worked.

Response: Deny

Admission 36. You have never spoken to El Guero Garza from 2020-2023 regarding your pay.

Response: Admit

Admission 37. You have never spoken to El Guero Garza from 2020-2023 regarding hours worked.

Response: Admit

Admission 38. You have never spoken to Benito Garza from 2020-2023 regarding your pay.

Response: Admit

Admission 39. You have never spoken to Benito Garza from 2020-2023 regarding hours worked.

Response: Admit

Admission 40. You have never spoken to Alberto Trevino from 2020-2023 regarding your pay.

Response: Deny

Admission 41. You have never spoken to Alberto Trevino from 2020-2023 regarding hours worked.

Response: Deny

Admission 42. You have never spoken to Mirta Garza from 2020-2023 regarding your pay.

Response: Admit

Admission 43. You have never spoken to Mirta Garza from 2020-2023 regarding hours worked.

Response: Admit

Admission 44. You have never spoken to Lorenzo Luben from 2020-2023 regarding your pay.

Response: Admit

Admission 45. You have never spoken to Lorenzo Luben from 2020-2023 regarding hours worked.

Response: Admit

Admission 46. You did not work for Defendant from 2020-2023.

Response: Deny

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

**JUANA CRUZ,
OFELIABENAVIDES,
GABRIELA VELAZQOEZ, MELESIO
CRUZ,
ANGELICA CHAVEZ
OLGA PEREZ,
MAURICIO SANCHEZ,
JORGE MAULEON,
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CARLOS DANIEL LOPEZ,
GILDA RIVAS,
ARMANDO MORALES DE LLANO,
Individually and On Behalf of All
Others Similarly Situated,**

Plaintiffs,

V

**DELGAR FOODS, INC D/B/A/ DELIA'S
TAMALES**

Defendants.

CIVIL ACTION NO: 7:23-CV-00343

VERIFICATION

I certify under penalty of perjury that the foregoing answers are true and correct answers of Plaintiff's to Defendant's' Request for Interrogatories included therein. The answers are true and correct to the best of Plaintiff's knowledge and information.

Respectfully submitted,

/s/

Dr. DOUGLAS A'HERN
A'Hern Law Group PLLC
P -16516 El Camino Real # 349
Houston, TX 77062
S - 1111 W. Nolana Ave
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and

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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

**JUANA CRUZ,
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**DELGAR FOODS, INC D/B/A/ DELIA'S
TAMALES**

Defendants.

CIVIL ACTION NO: 7:23-CV-00343

PLAINTIFFS RESPONSES TO FIRST REQUEST FOR ADMISSIONS

Plaintiffs respond to Respondent's Request for Admissions as set forth below. The following

responses are made solely for the purposes of this action. Also, attached are authorizations to release employment and/or application records.

Responses are made on the basis of information and writings currently available to and located by Plaintiffs upon reasonable investigation. Plaintiffs expressly reserve the right to modify, revise, supplement, or amend their responses as they deem appropriate.

Respectfully submitted,

/s/

Dr. DOUGLAS A'HERN
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Richard R. Alamia
Attorney at Law
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Richard.alamia@yahoo.com

Certificate of Service

I certify that on this 2 day of May, 2024 a true and correct copy of the foregoing answers were emailed to:

**AUTHORIZATION TO RELEASE
EMPLOYMENT AND/OR APPLICATION RECORDS**

TO ALL EMPLOYERS AND POTENTIAL EMPLOYERS OF MELESIO CRUZ:

You are hereby authorized to furnish and release to Ogletree, Deakins, Nash, Smoak & Stewart, P.C. and/or Porter Hedges LLP, and their staff members, representatives and employees, any and all information and documents in your possession or control concerning the employment or potential employment of the above-referenced individual for use in Civil Action No. 7:23-CV-00343, styled "*Juana Cruz, et al. v. Delgar Foods, LLC dba Delia's*" pending in the United States District Court, Southern District of Texas, McAllen Division.

You are hereby authorized and requested to copy and produce any and all:

1. Employment applications;
2. Resumes;
3. Payroll records (including but not limited to pay stubs and pay advices);
4. Hour or time records;
5. Schedules;
6. Records of absences; and
7. Records of any periods of leave.

The relevant period for records responsive/covered by this authorization is 2020–2023.

A copy of this authorization should be considered as valid as the original and shall remain in effect so long as the above-mentioned case is pending.

DATED this 12th day of April, 2024.

Melesio Cruz
MELESIO CRUZ

First Set of Request for Admissions

Admission 1. Defendant paid you at least minimum wage for all hours worked by you during your employment.

Response: Deny

Admission 2. Defendant paid you at least minimum wage for all hours worked by you from 2020-2023.

Response: Admit

Admission 3. Defendant paid you time-and-a-half for all hours worked over 40 in a workweek by you during your employment.

Response: Deny

Admission 4. Defendant paid you time-and-a-half for all hours worked over 40 in a workweek by you from 2020-2023.

Response: Deny

Admission 5. Defendant correctly paid you for all hours worked during your employment.

Response: Deny

Admission 6. Defendant correctly paid you for all hours worked by you from 2020-2023.

Response: Admit

Admission 7. Defendant paid you for all hours worked by you from 2020-2023.

Response: Deny

Admission 8. You reported all hours worked by you accurately to Defendant.

Response: Deny

Admission 9. You recorded all hours worked by you for Defendant in Defendant's timekeeping system.

Response: Admit

Admission 10. You have no written documentation to rebut Defendant's time records of hours worked by you.

Response: Admit

Admission 11. While employed by Defendant, you were aware of Defendant's requirement to accurately record your hours worked.

Response: Deny

Admission 12. You at all times complied with Defendant's requirement to accurately record hours worked by you.

Response: Admit

Admission 13. You at all times complied with Defendant's requirement to accurately report hours worked by you.

Response: Admit

Admission 14. You reviewed your pay to confirm its accuracy on a weekly basis from 2020-2023.

Response: Admit

Admission 15. You reviewed your hours worked to confirm their accuracy on a weekly basis from 2020-2023.

Response: Admit

Admission 16. Defendant paid you overtime wages from 2020-2023.

Response: Admit

Admission 17. Any error made by Defendant as to your hours worked was unintentional.

Response: Deny

Admission 18. Any error made by Defendant as to your hours worked was not done willfully.

Response: Deny

Admission 19. Any error made by Defendant as to your hours worked was not done knowingly.

Response: Deny

Admission 20. Any error made by Defendant as to your pay was unintentional.

Response: Deny

Admission 21. Any error made by Defendant as to your pay was not done willfully.

Response: Deny

Admission 22. Any error made by Defendant as to your pay was not done knowingly.

Response: Deny

Admission 23. You received no cash for wages from Defendant from 2020-2023.

Response: Admit

Admission 24. You have no written documentation of hours worked by you for Defendant.

Response: Admit

Admission 25. You have never spoken to Delia Garza a/k/a/ Delia Lubin from 2020-2023.

Response: Deny

Admission 26. You have never seen Delia Garza a/k/a/ Delia Lubin from 2020-2023.

Response: Deny

Admission 27. You have never spoken to Delia Garza a/k/a/ Delia Lubin from 2020-2023 regarding your pay.

Response: Deny

Admission 28. You have never spoken to Delia Garza a/k/a/ Delia Lubin from 2020-2023 regarding hours worked.

Response: Deny

Admission 29. You have never spoken to Sofia Lubin from 2020-2023.

Response: Deny

Admission 30. You have never spoken to Sofia Lubin from 2020-2023 regarding your pay.

Response: Deny

Admission 31. You have never spoken to Sofia Lubin from 2020-2023 regarding hours worked.

Response: Deny

Admission 32. You have never spoken to Blanca Sierra from 2020-2023 regarding your pay.

Response: Deny

Admission 33. You have never spoken to Blanca Sierra from 2020-2023 regarding hours worked.

Response: Deny

Admission 34. You have never spoken to Letty Zumaya from 2020-2023 regarding your pay.

Response: Deny

Admission 35. You have never spoken to Letty Zumaya from 2020-2023 regarding hours worked.

Response: Deny

Admission 36. You have never spoken to El Guero Garza from 2020-2023 regarding your pay.

Response: Admit

Admission 37. You have never spoken to El Guero Garza from 2020-2023 regarding hours worked.

Response: Admit

Admission 38. You have never spoken to Benito Garza from 2020-2023 regarding your pay.

Response: Admit

Admission 39. You have never spoken to Benito Garza from 2020-2023 regarding hours worked.

Response: Admit

Admission 40. You have never spoken to Alberto Trevino from 2020-2023 regarding your pay.

Response: Deny

Admission 41. You have never spoken to Alberto Trevino from 2020-2023 regarding hours worked.

Response: Deny

Admission 42. You have never spoken to Mirta Garza from 2020-2023 regarding your pay.

Response: Admit

Admission 43. You have never spoken to Mirta Garza from 2020-2023 regarding hours worked.

Response: Admit

Admission 44. You have never spoken to Lorenzo Luben from 2020-2023 regarding your pay.

Response: Admit

Admission 45. You have never spoken to Lorenzo Luben from 2020-2023 regarding hours worked.

Response: Admit

Admission 46. You did not work for Defendant from 2020-2023.

Response: Deny

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

**JUANA CRUZ,
OFELIABENAVIDES,
GABRIELA VELAZQOEZ, MELESIO
CRUZ,
ANGELICA CHAVEZ
OLGA PEREZ,
MAURICIO SANCHEZ,
JORGE MAULEON,
HECTOR GONZALEZ,
YESSYPEREZ,
LUIS ALBERTO ZUNGA,
GONZALO ESQUIVEL,
PATRICIA CONDE,
NORMA CONDE,
RAFAEL SANCHEZ,
ROSA QUINTANILLA,
HECTOR SANCHEZ,
ROSENDO LIEVANOS,
MARIA DE LOURDES CRUZ,
JOSE ELIAS NG,
RICARDO GONZALO,
CONCEPCION PEREZ,
ELIZABETH LARA,
MIGUEL CABALLERO,
CARLOS DANIEL LOPEZ,
GILDA RIVAS,
ARMANDO MORALES DE LLANO,
Individually and On Behalf of All
Others Similarly Situated,**

Plaintiffs,

V

**DELGAR FOODS, INC D/B/A/ DELIA'S
TAMALES**

Defendants.

CIVIL ACTION NO: 7:23-CV-00343

VERIFICATION

I certify under penalty of perjury that the foregoing answers are true and correct answers of Plaintiff's to Defendant's' Request for Interrogatories included therein. The answers are true and correct to the best of Plaintiff's knowledge and information.

Respectfully submitted,

/s/

Dr. DOUGLAS A'HERN
A'Hern Law Group PLLC
P -16516 El Camino Real # 349
Houston, TX 77062
S - 1111 W. Nolana Ave
McAllen, Texas 78504
Tel: (281) 904 3797
Fax: (281) 213-0628
TBN: 24069206
FED: 1456411
douglas.a.ahern@gmail.com

and

/s/

Richard R. Alamia
Attorney at Law
619 S. 12th Ave.
Edinburg, TX. 78539
956-381-5766
956-381-5774
Richard.alamia@yahoo.com

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

**JUANA CRUZ,
OFELIABENAVIDES,
GABRIELA VELAZQOEZ, MELESIO
CRUZ,
ANGELICA CHAVEZ
OLGA PEREZ,
MAURICIO SANCHEZ,
JORGE MAULEON,
HECTOR GONZALEZ,
YESSYPEREZ,
LUIS ALBERTO ZUNGA,
GONZALO ESQUIVEL,
PATRICIA CONDE,
NORMA CONDE,
RAFAEL SANCHEZ,
ROSA QUINTANILLA,
HECTOR SANCHEZ,
ROSENDO LIEVANOS,
MARIA DE LOURDES CRUZ,
JOSE ELIAS NG,
RICARDO GONZALO,
CONCEPCION PEREZ,
ELIZABETH LARA,
MIGUEL CABALLERO,
CARLOS DANIEL LOPEZ,
GILDA RIVAS,
ARMANDO MORALES DE LLANO,
Individually and On Behalf of All
Others Similarly Situated,**

Plaintiffs,

V

**DELGAR FOODS, INC D/B/A/ DELIA'S
TAMALES**

Defendants.

CIVIL ACTION NO: 7:23-CV-00343

PLAINTIFFS RESPONSES TO FIRST REQUEST FOR ADMISSIONS

Plaintiffs respond to Respondent's Request for Admissions as set forth below. The following

responses are made solely for the purposes of this action. Also, attached are authorizations to release employment and/or application records.

Responses are made on the basis of information and writings currently available to and located by Plaintiffs upon reasonable investigation. Plaintiffs expressly reserve the right to modify, revise, supplement, or amend their responses as they deem appropriate.

Respectfully submitted,

/s/

Dr. DOUGLAS A'HERN
A'Hern Law Group PLLC
P -16516 El Camino Real # 349
Houston, TX 77062
S - 1111 W. Nolana Ave
McAllen, Texas 78504
Tel: (281) 904 3797
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TBN: 24069206
FED: 1456411
douglas.a.ahern@gmail.com

and

Richard R. Alamia
Attorney at Law
619 S. 12th Ave.
Edinburg, TX. 78539
956-381-5766
956-381-5774
Richard.alamia@yahoo.com

Certificate of Service

I certify that on this 2 day of May, 2024 a true and correct copy of the foregoing answers were emailed to:

**AUTHORIZATION TO RELEASE
EMPLOYMENT AND/OR APPLICATION RECORDS**

TO ALL EMPLOYERS AND POTENTIAL EMPLOYERS OF MIGUEL CABALLERO SANCHEZ:

You are hereby authorized to furnish and release to Ogletree, Deakins, Nash, Smoak & Stewart, P.C. and/or Porter Hedges LLP, and their staff members, representatives and employees, any and all information and documents in your possession or control concerning the employment or potential employment of the above-referenced individual for use in Civil Action No. 7:23-CV-00343, styled "*Juana Cruz, et al. v. Delgar Foods, LLC dba Delia's*" pending in the United States District Court, Southern District of Texas, McAllen Division.

You are hereby authorized and requested to copy and produce any and all:

1. Employment applications;
2. Resumes;
3. Payroll records (including but not limited to pay stubs and pay advices);
4. Hour or time records;
5. Schedules;
6. Records of absences; and
7. Records of any periods of leave.

The relevant period for records responsive/covered by this authorization is 2020–2023.

A copy of this authorization should be considered as valid as the original and shall remain in effect so long as the above-mentioned case is pending.

DATED this 15 day of April, 2024.



MIGUEL CABALLERO SANCHEZ

First Set of Request for Admissions

Admission 1. Defendant paid you at least minimum wage for all hours worked by you during your employment.

Response:

Deny

Admission 2. Defendant paid you at least minimum wage for all hours worked by you from 2020-2023.

Response:

Deny

Admission 3. Defendant paid you time-and-a-half for all hours worked over 40 in a workweek by you during your employment.

Response:

Deny

Admission 4. Defendant paid you time-and-a-half for all hours worked over 40 in a workweek by you from 2020-2023.

Response:

Deny

Admission 5. Defendant correctly paid you for all hours worked during your employment.

Response:

Deny

Admission 6. Defendant correctly paid you for all hours worked by you from 2020-2023.

Response:

Deny

Admission 7. Defendant paid you for all hours worked by you from 2020-2023.

Response:

Deny

Admission 8. You reported all hours worked by you accurately to Defendant.

Response:

Deny

Admission 9. You recorded all hours worked by you for Defendant in Defendant's timekeeping system.

Response:

Deny

Admission 10. You have no written documentation to rebut Defendant's time records of hours worked by you.

Deny

Response:

Admission 11. While employed by Defendant, you were aware of Defendant's requirement to accurately record your hours worked.

Deny

Response:

Admission 12. You at all times complied with Defendant's requirement to accurately record hours worked by you.

Deny

Response:

Admission 13. You at all times complied with Defendant's requirement to accurately report hours worked by you.

Deny

Response:

Admission 14. You reviewed your pay to confirm its accuracy on a weekly basis from 2020-2023.

Deny

Response:

Admission 15. You reviewed your hours worked to confirm their accuracy on a weekly basis from 2020-2023.

Deny

Response:

Admission 16. Defendant paid you overtime wages from 2020-2023.

Deny

Response:

Admission 17. Any error made by Defendant as to your hours worked was unintentional.

Deny

Response:

Admission 18. Any error made by Defendant as to your hours worked was not done willfully.

Deny

Response:

Admission 19. Any error made by Defendant as to your hours worked was not done knowingly.

Deny

Response:

Admission 20. Any error made by Defendant as to your pay was unintentional.

Response:

Deny

Admission 21. Any error made by Defendant as to your pay was not done willfully.

Response:

Deny

Admission 22. Any error made by Defendant as to your pay was not done knowingly.

Response:

Deny

Admission 23. You received no cash for wages from Defendant from 2020-2023.

Response:

Deny

Admission 24. You have no written documentation of hours worked by you for Defendant.

Response:

Deny

Admission 25. You have never spoken to Delia Garza a/k/a/ Delia Lubin from 2020-2023.

Response:

Deny

Admission 26. You have never seen Delia Garza a/k/a/ Delia Lubin from 2020-2023.

Response:

Deny

Admission 27. You have never spoken to Delia Garza a/k/a/ Delia Lubin from 2020-2023 regarding your pay.

Response:

Deny

Admission 28. You have never spoken to Delia Garza a/k/a/ Delia Lubin from 2020-2023 regarding hours worked.

Response:

Deny

Admission 29. You have never spoken to Sofia Lubin from 2020-2023.

Response:

Deny

Admission 30. You have never spoken to Sofia Lubin from 2020-2023 regarding your pay.

Response:

Deny

Admission 31. You have never spoken to Sofia Lubin from 2020-2023 regarding hours worked.

Response:

Deny

Admission 32. You have never spoken to Blanca Sierra from 2020-2023 regarding your pay.

Response:

Deny

Admission 33. You have never spoken to Blanca Sierra from 2020-2023 regarding hours worked.

Response:

Deny

Admission 34. You have never spoken to Letty Zumaya from 2020-2023 regarding your pay.

Response:

Deny

Admission 35. You have never spoken to Letty Zumaya from 2020-2023 regarding hours worked.

Response:

Deny

Admission 36. You have never spoken to El Guero Garza from 2020-2023 regarding your pay.

Response:

Deny

Admission 37. You have never spoken to El Guero Garza from 2020-2023 regarding hours worked.

Response:

Deny

Admission 38. You have never spoken to Benito Garza from 2020-2023 regarding your pay.

Response:

Deny

Admission 39.
worked.

You have never spoken to Benito Garza from 2020-2023 regarding hours

Deny

Response:

Admission 40.
pay.

You have never spoken to Alberto Trevino from 2020-2023 regarding your

Deny

Response:

Admission 41.
worked.

You have never spoken to Alberto Trevino from 2020-2023 regarding hours

Deny

Response:

Admission 42.

You have never spoken to Mirta Garza from 2020-2023 regarding your pay.

Deny

Response:

Admission 43.
worked.

You have never spoken to Mirta Garza from 2020-2023 regarding hours

Deny

Response:

Admission 44.
pay.

You have never spoken to Lorenzo Luben from 2020-2023 regarding your

Deny

Response:

Admission 45.
worked.

You have never spoken to Lorenzo Luben from 2020-2023 regarding hours

Deny

Response:

Admission 46.

You did not work for Defendant from 2020-2023.

Deny

Response:

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

**JUANA CRUZ,
OFELIABENAVIDES,
GABRIELA VELAZQOEZ, MELESIO
CRUZ,
ANGELICA CHAVEZ
OLGA PEREZ,
MAURICIO SANCHEZ,
JORGE MAULEON,
HECTOR GONZALEZ,
YESSYPEREZ,
LUIS ALBERTO ZUNGA,
GONZALO ESQUIVEL,
PATRICIA CONDE,
NORMA CONDE,
RAFAEL SANCHEZ,
ROSA QUINTANILLA,
HECTOR SANCHEZ,
ROSENDO LIEVANOS,
MARIA DE LOURDES CRUZ,
JOSE ELIAS NG,
RICARDO GONZALO,
CONCEPCION PEREZ,
ELIZABETH LARA,
MIGUEL CABALLERO,
CARLOS DANIEL LOPEZ,
GILDA RIVAS,
ARMANDO MORALES DE LLANO,
Individually and On Behalf of All
Others Similarly Situated,**

Plaintiffs,

V

**DELGAR FOODS, INC D/B/A/ DELIA'S
TAMALES**

Defendants.

CIVIL ACTION NO: 7:23-CV-00343

VERIFICATION

I certify under penalty of perjury that the foregoing answers are true and correct answers of Plaintiff's to Defendant's' Request for Interrogatories included therein. The answers are true and correct to the best of Plaintiff's knowledge and information.

Respectfully submitted,

/s/

Dr. DOUGLAS A'HERN
A'Hern Law Group PLLC
P -16516 El Camino Real # 349
Houston, TX 77062
S - 1111 W. Nolana Ave
McAllen, Texas 78504
Tel: (281) 904 3797
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FED: 1456411
douglas.a.ahern@gmail.com

and

/s/

Richard R. Alamia
Attorney at Law
619 S. 12th Ave.
Edinburg, TX. 78539
956-381-5766
956-381-5774
Richard.alamia@yahoo.com

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

**JUANA CRUZ,
OFELIABENAVIDES,
GABRIELA VELAZQOEZ, MELESIO
CRUZ,
ANGELICA CHAVEZ
OLGA PEREZ,
MAURICIO SANCHEZ,
JORGE MAULEON,
HECTOR GONZALEZ,
YESSYPEREZ,
LUIS ALBERTO ZUNGA,
GONZALO ESQUIVEL,
PATRICIA CONDE,
NORMA CONDE,
RAFAEL SANCHEZ,
ROSA QUINTANILLA,
HECTOR SANCHEZ,
ROSENDO LIEVANOS,
MARIA DE LOURDES CRUZ,
JOSE ELIAS NG,
RICARDO GONZALO,
CONCEPCION PEREZ,
ELIZABETH LARA,
MIGUEL CABALLERO,
CARLOS DANIEL LOPEZ,
GILDA RIVAS,
ARMANDO MORALES DE LLANO,
Individually and On Behalf of All
Others Similarly Situated,**

Plaintiffs,

V

**DELGAR FOODS, INC D/B/A/ DELIA'S
TAMALES**

Defendants.

CIVIL ACTION NO: 7:23-CV-00343

PLAINTIFFS RESPONSES TO FIRST REQUEST FOR ADMISSIONS

Plaintiffs respond to Respondent's Request for Admissions as set forth below. The following

responses are made solely for the purposes of this action. Also, attached are authorizations to release employment and/or application records.

Responses are made on the basis of information and writings currently available to and located by Plaintiffs upon reasonable investigation. Plaintiffs expressly reserve the right to modify, revise, supplement, or amend their responses as they deem appropriate.

Respectfully submitted,

/s/

Dr. DOUGLAS A'HERN
A'Hern Law Group PLLC
P -16516 El Camino Real # 349
Houston, TX 77062
S - 1111 W. Nolana Ave
McAllen, Texas 78504
Tel: (281) 904 3797
Fax: (281) 213-0628
TBN: 24069206
FED: 1456411
douglas.a.ahern@gmail.com

and

Richard R. Alamia
Attorney at Law
619 S. 12th Ave.
Edinburg, TX. 78539
956-381-5766
956-381-5774
Richard.alamia@yahoo.com

Certificate of Service

I certify that on this 2 day of May, 2024 a true and correct copy of the foregoing answers were emailed to:

**AUTHORIZATION TO RELEASE
EMPLOYMENT AND/OR APPLICATION RECORDS**

TO ALL EMPLOYERS AND POTENTIAL EMPLOYERS OF OFELIA BENAVIDES:

You are hereby authorized to furnish and release to Ogletree, Deakins, Nash, Smoak & Stewart, P.C. and/or Porter Hedges LLP, and their staff members, representatives and employees, any and all information and documents in your possession or control concerning the employment or potential employment of the above-referenced individual for use in Civil Action No. 7:23-CV-00343, styled "*Juana Cruz, et al. v. Delgar Foods, LLC dba Delia's*" pending in the United States District Court, Southern District of Texas, McAllen Division.

You are hereby authorized and requested to copy and produce any and all:

1. Employment applications;
2. Resumes;
3. Payroll records (including but not limited to pay stubs and pay advices);
4. Hour or time records;
5. Schedules;
6. Records of absences; and
7. Records of any periods of leave.

The relevant period for records responsive/covered by this authorization is 2020–2023.

A copy of this authorization should be considered as valid as the original and shall remain in effect so long as the above-mentioned case is pending.

DATED this 9th day of April, 2024.

Ofelia Benavides B.
OFELIA BENAVIDES

First Set of Request for Admissions

Admission 1. Defendant paid you at least minimum wage for all hours worked by you during your employment.

Response: Deny

Admission 2. Defendant paid you at least minimum wage for all hours worked by you from 2020-2023.

Response: Deny

Admission 3. Defendant paid you time-and-a-half for all hours worked over 40 in a workweek by you during your employment.

Response: Deny

Admission 4. Defendant paid you time-and-a-half for all hours worked over 40 in a workweek by you from 2020-2023.

Response: Deny

Admission 5. Defendant correctly paid you for all hours worked during your employment.

Response: Deny

Admission 6. Defendant correctly paid you for all hours worked by you from 2020-2023.

Response: Deny

Admission 7. Defendant paid you for all hours worked by you from 2020-2023.

Response: Deny

Admission 8. You reported all hours worked by you accurately to Defendant.

Response: Admit

Admission 9. You recorded all hours worked by you for Defendant in Defendant's timekeeping system.

Response: Admit

Admission 10. You have no written documentation to rebut Defendant's time records of hours worked by you.

Response: Admit

Admission 11. While employed by Defendant, you were aware of Defendant's requirement to accurately record your hours worked.

Response: Admit

Admission 12. You at all times complied with Defendant's requirement to accurately record hours worked by you.

Response: Admit

Admission 13. You at all times complied with Defendant's requirement to accurately report hours worked by you.

Response: Admit

Admission 14. You reviewed your pay to confirm its accuracy on a weekly basis from 2020-2023.

Response: Deny

Admission 15. You reviewed your hours worked to confirm their accuracy on a weekly basis from 2020-2023.

Response: Deny

Admission 16. Defendant paid you overtime wages from 2020-2023.

Response: Admit

Admission 17. Any error made by Defendant as to your hours worked was unintentional.

Response: Deny

Admission 18. Any error made by Defendant as to your hours worked was not done willfully.

Response: Deny

Admission 19. Any error made by Defendant as to your hours worked was not done knowingly.

Response: Deny

Admission 20. Any error made by Defendant as to your pay was unintentional.

Response: Deny

Admission 21. Any error made by Defendant as to your pay was not done willfully.

Response: Deny

Admission 22. Any error made by Defendant as to your pay was not done knowingly.

Response: Deny

Admission 23. You received no cash for wages from Defendant from 2020-2023.

Response: Deny

Admission 24. You have no written documentation of hours worked by you for Defendant.

Response: Admit

Admission 25. You have never spoken to Delia Garza a/k/a/ Delia Lubin from 2020-2023.

Response: Deny

Admission 26. You have never seen Delia Garza a/k/a/ Delia Lubin from 2020-2023.

Response: Deny

Admission 27. You have never spoken to Delia Garza a/k/a/ Delia Lubin from 2020-2023 regarding your pay.

Response: Admit

Admission 28. You have never spoken to Delia Garza a/k/a/ Delia Lubin from 2020-2023 regarding hours worked.

Response: Admit

Admission 29. You have never spoken to Sofia Lubin from 2020-2023.

Response: Admit

Admission 30. You have never spoken to Sofia Lubin from 2020-2023 regarding your pay.

Response: Admit

Admission 31. You have never spoken to Sofia Lubin from 2020-2023 regarding hours worked.

Response: Admit

Admission 32. You have never spoken to Blanca Sierra from 2020-2023 regarding your pay.

Response: Deny

Admission 33. You have never spoken to Blanca Sierra from 2020-2023 regarding hours worked.

Response: Deny

Admission 34. You have never spoken to Letty Zumaya from 2020-2023 regarding your pay.

Response: Admit

Admission 35. You have never spoken to Letty Zumaya from 2020-2023 regarding hours worked.

Response: Admit

Admission 36. You have never spoken to El Guero Garza from 2020-2023 regarding your pay.

Response: Admit

Admission 37. You have never spoken to El Guero Garza from 2020-2023 regarding hours worked.

Response: Admit

Admission 38. You have never spoken to Benito Garza from 2020-2023 regarding your pay.

Response: Admit

Admission 39. You have never spoken to Benito Garza from 2020-2023 regarding hours worked.

Response: Admit

Admission 40. You have never spoken to Alberto Trevino from 2020-2023 regarding your pay.

Response: Deny

Admission 41. You have never spoken to Alberto Trevino from 2020-2023 regarding hours worked.

Response: Deny

Admission 42. You have never spoken to Mirta Garza from 2020-2023 regarding your pay.

Response: Admit

Admission 43. You have never spoken to Mirta Garza from 2020-2023 regarding hours worked.

Response: Admit

Admission 44. You have never spoken to Lorenzo Luben from 2020-2023 regarding your pay.

Response: Admit

Admission 45. You have never spoken to Lorenzo Luben from 2020-2023 regarding hours worked.

Response: Admit

Admission 46. You did not work for Defendant from 2020-2023.

Response: Deny

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

**JUANA CRUZ,
OFELIABENAVIDES,
GABRIELA VELAZQOEZ, MELESIO
CRUZ,
ANGELICA CHAVEZ
OLGA PEREZ,
MAURICIO SANCHEZ,
JORGE MAULEON,
HECTOR GONZALEZ,
YESSYPEREZ,
LUIS ALBERTO ZUNGA,
GONZALO ESQUIVEL,
PATRICIA CONDE,
NORMA CONDE,
RAFAEL SANCHEZ,
ROSA QUINTANILLA,
HECTOR SANCHEZ,
ROSENDO LIEVANOS,
MARIA DE LOURDES CRUZ,
JOSE ELIAS NG,
RICARDO GONZALO,
CONCEPCION PEREZ,
ELIZABETH LARA,
MIGUEL CABALLERO,
CARLOS DANIEL LOPEZ,
GILDA RIVAS,
ARMANDO MORALES DE LLANO,
Individually and On Behalf of All
Others Similarly Situated,**

Plaintiffs,

V

**DELGAR FOODS, INC D/B/A/ DELIA'S
TAMALES**

Defendants.

CIVIL ACTION NO: 7:23-CV-00343

VERIFICATION

I certify under penalty of perjury that the foregoing answers are true and correct answers of Plaintiff's to Defendant's' Request for Interrogatories included therein. The answers are true and correct to the best of Plaintiff's knowledge and information.

Respectfully submitted,

/s/

Dr. DOUGLAS A'HERN
A'Hern Law Group PLLC
P -16516 El Camino Real # 349
Houston, TX 77062
S - 1111 W. Nolana Ave
McAllen, Texas 78504
Tel: (281) 904 3797
Fax: (281) 213-0628
TBN: 24069206
FED: 1456411
douglas.a.ahern@gmail.com

and

/s/

Richard R. Alamia
Attorney at Law
619 S. 12th Ave.
Edinburg, TX. 78539
956-381-5766
956-381-5774
Richard.alamia@yahoo.com

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

**JUANA CRUZ,
OFELIABENAVIDES,
GABRIELA VELAZQOEZ, MELESIO
CRUZ,
ANGELICA CHAVEZ
OLGA PEREZ,
MAURICIO SANCHEZ,
JORGE MAULEON,
HECTOR GONZALEZ,
YESSYPEREZ,
LUIS ALBERTO ZUNGA,
GONZALO ESQUIVEL,
PATRICIA CONDE,
NORMA CONDE,
RAFAEL SANCHEZ,
ROSA QUINTANILLA,
HECTOR SANCHEZ,
ROSENDO LIEVANOS,
MARIA DE LOURDES CRUZ,
JOSE ELIAS NG,
RICARDO GONZALO,
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ARMANDO MORALES DE LLANO,
Individually and On Behalf of All
Others Similarly Situated,**

Plaintiffs,

V

**DELGAR FOODS, INC D/B/A/ DELIA'S
TAMALES**

Defendants.

CIVIL ACTION NO: 7:23-CV-00343

PLAINTIFFS RESPONSES TO FIRST REQUEST FOR ADMISSIONS

Plaintiffs respond to Respondent's Request for Admissions as set forth below. The following

responses are made solely for the purposes of this action. Also, attached are authorizations to release employment and/or application records.

Responses are made on the basis of information and writings currently available to and located by Plaintiffs upon reasonable investigation. Plaintiffs expressly reserve the right to modify, revise, supplement, or amend their responses as they deem appropriate.

Respectfully submitted,

/s/

Dr. DOUGLAS A'HERN
A'Hern Law Group PLLC
P -16516 El Camino Real # 349
Houston, TX 77062
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Richard R. Alamia
Attorney at Law
619 S. 12th Ave.
Edinburg, TX. 78539
956-381-5766
956-381-5774
Richard.alamia@yahoo.com

Certificate of Service

I certify that on this 2 day of May, 2024 a true and correct copy of the foregoing answers were emailed to:

**AUTHORIZATION TO RELEASE
EMPLOYMENT AND/OR APPLICATION RECORDS**

TO ALL EMPLOYERS AND POTENTIAL EMPLOYERS OF OLGA PEREZ:

You are hereby authorized to furnish and release to Ogletree, Deakins, Nash, Smoak & Stewart, P.C. and/or Porter Hedges LLP, and their staff members, representatives and employees, any and all information and documents in your possession or control concerning the employment or potential employment of the above-referenced individual for use in Civil Action No. 7:23-CV-00343, styled "*Juana Cruz, et al. v. Delgar Foods, LLC dba Delia's*" pending in the United States District Court, Southern District of Texas, McAllen Division.

You are hereby authorized and requested to copy and produce any and all:

1. Employment applications;
2. Resumes;
3. Payroll records (including but not limited to pay stubs and pay advices);
4. Hour or time records;
5. Schedules;
6. Records of absences; and
7. Records of any periods of leave.

The relevant period for records responsive/covered by this authorization is 2020–2023.

A copy of this authorization should be considered as valid as the original and shall remain in effect so long as the above-mentioned case is pending.

DATED this 11th day of April, 2024.



OLGA PEREZ

First Set of Request for Admissions

Admission 1. Defendant paid you at least minimum wage for all hours worked by you during your employment.

Response: Admit

Admission 2. Defendant paid you at least minimum wage for all hours worked by you from 2020-2023.

Response: Admit

Admission 3. Defendant paid you time-and-a-half for all hours worked over 40 in a workweek by you during your employment.

Response: Deny

Admission 4. Defendant paid you time-and-a-half for all hours worked over 40 in a workweek by you from 2020-2023.

Response: Deny

Admission 5. Defendant correctly paid you for all hours worked during your employment.

Response: Deny

Admission 6. Defendant correctly paid you for all hours worked by you from 2020-2023.

Response: Deny

Admission 7. Defendant paid you for all hours worked by you from 2020-2023.

Response: Deny

Admission 8. You reported all hours worked by you accurately to Defendant.

Response: Type text here

Admission 9. You recorded all hours worked by you for Defendant in Defendant's timekeeping system.

Response: Admit

Admission 10. You have no written documentation to rebut Defendant's time records of hours worked by you.

Response: Admit

Admission 11. While employed by Defendant, you were aware of Defendant's requirement to accurately record your hours worked.

Response: Admit

Admission 12. You at all times complied with Defendant's requirement to accurately record hours worked by you.

Response: Admit

Admission 13. You at all times complied with Defendant's requirement to accurately report hours worked by you.

Response: Admit

Admission 14. You reviewed your pay to confirm its accuracy on a weekly basis from 2020-2023.

Response: Admit

Admission 15. You reviewed your hours worked to confirm their accuracy on a weekly basis from 2020-2023.

Response: Deny

Admission 16. Defendant paid you overtime wages from 2020-2023.

Response: Admit

Admission 17. Any error made by Defendant as to your hours worked was unintentional.

Response: Deny

Admission 18. Any error made by Defendant as to your hours worked was not done willfully.

Response: Deny

Admission 19. Any error made by Defendant as to your hours worked was not done knowingly.

Response: Deny

Admission 20. Any error made by Defendant as to your pay was unintentional.

Response: Deny

Admission 21. Any error made by Defendant as to your pay was not done willfully.

Response: Deny

Admission 22. Any error made by Defendant as to your pay was not done knowingly.

Response: Deny

Admission 23. You received no cash for wages from Defendant from 2020-2023.

Response: Deny

Admission 24. You have no written documentation of hours worked by you for Defendant.

Response: Deny

Admission 25. You have never spoken to Delia Garza a/k/a/ Delia Lubin from 2020-2023.

Response: Deny

Admission 26. You have never seen Delia Garza a/k/a/ Delia Lubin from 2020-2023.

Response: Deny

Admission 27. You have never spoken to Delia Garza a/k/a/ Delia Lubin from 2020-2023 regarding your pay.

Response: Deny

Admission 28. You have never spoken to Delia Garza a/k/a/ Delia Lubin from 2020-2023 regarding hours worked.

Response: Deny

Admission 29. You have never spoken to Sofia Lubin from 2020-2023.

Response: Deny

Admission 30. You have never spoken to Sofia Lubin from 2020-2023 regarding your pay.

Response: Deny

Admission 31. You have never spoken to Sofia Lubin from 2020-2023 regarding hours worked.

Response: Deny

Admission 32. You have never spoken to Blanca Sierra from 2020-2023 regarding your pay.

Response: Deny

Admission 33. You have never spoken to Blanca Sierra from 2020-2023 regarding hours worked.

Response: Deny

Admission 34. You have never spoken to Letty Zumaya from 2020-2023 regarding your pay.

Response: Admit

Admission 35. You have never spoken to Letty Zumaya from 2020-2023 regarding hours worked.

Response: Admit

Admission 36. You have never spoken to El Guero Garza from 2020-2023 regarding your pay.

Response: Deny

Admission 37. You have never spoken to El Guero Garza from 2020-2023 regarding hours worked.

Response: Deny

Admission 38. You have never spoken to Benito Garza from 2020-2023 regarding your pay.

Response: Deny

Admission 39. You have never spoken to Benito Garza from 2020-2023 regarding hours worked.

Response: Deny

Admission 40. You have never spoken to Alberto Trevino from 2020-2023 regarding your pay.

Response: Deny

Admission 41. You have never spoken to Alberto Trevino from 2020-2023 regarding hours worked.

Response: Deny

Admission 42. You have never spoken to Mirta Garza from 2020-2023 regarding your pay.

Response: Admit

Admission 43. You have never spoken to Mirta Garza from 2020-2023 regarding hours worked.

Response: Admit

Admission 44. You have never spoken to Lorenzo Luben from 2020-2023 regarding your pay.

Response: Admit

Admission 45. You have never spoken to Lorenzo Luben from 2020-2023 regarding hours worked.

Response: Admit

Admission 46. You did not work for Defendant from 2020-2023.

Response: Deny

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

**JUANA CRUZ,
OFELIABENAVIDES,
GABRIELA VELAZQOEZ, MELESIO
CRUZ,
ANGELICA CHAVEZ
OLGA PEREZ,
MAURICIO SANCHEZ,
JORGE MAULEON,
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ROSENDO LIEVANOS,
MARIA DE LOURDES CRUZ,
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RICARDO GONZALO,
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ELIZABETH LARA,
MIGUEL CABALLERO,
CARLOS DANIEL LOPEZ,
GILDA RIVAS,
ARMANDO MORALES DE LLANO,
Individually and On Behalf of All
Others Similarly Situated,**

Plaintiffs,

V

**DELGAR FOODS, INC D/B/A/ DELIA'S
TAMALES**

Defendants.

CIVIL ACTION NO: 7:23-CV-00343

VERIFICATION

I certify under penalty of perjury that the foregoing answers are true and correct answers of Plaintiff's to Defendant's' Request for Interrogatories included therein. The answers are true and correct to the best of Plaintiff's knowledge and information.

Respectfully submitted,

/s/

Dr. DOUGLAS A'HERN
A'Hern Law Group PLLC
P -16516 El Camino Real # 349
Houston, TX 77062
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and

/s/

Richard R. Alamia
Attorney at Law
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Edinburg, TX. 78539
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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

**JUANA CRUZ,
OFELIABENAVIDES,
GABRIELA VELAZQOEZ, MELESIO
CRUZ,
ANGELICA CHAVEZ
OLGA PEREZ,
MAURICIO SANCHEZ,
JORGE MAULEON,
HECTOR GONZALEZ,
YESSYPEREZ,
LUIS ALBERTO ZUNGA,
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HECTOR SANCHEZ,
ROSENDO LIEVANOS,
MARIA DE LOURDES CRUZ,
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CONCEPCION PEREZ,
ELIZABETH LARA,
MIGUEL CABALLERO,
CARLOS DANIEL LOPEZ,
GILDA RIVAS,
ARMANDO MORALES DE LLANO,
Individually and On Behalf of All
Others Similarly Situated,**

Plaintiffs,

V

**DELGAR FOODS, INC D/B/A/ DELIA'S
TAMALES**

Defendants.

CIVIL ACTION NO: 7:23-CV-00343

PLAINTIFFS RESPONSES TO FIRST REQUEST FOR ADMISSIONS

Plaintiffs respond to Respondent's Request for Admissions as set forth below. The following

responses are made solely for the purposes of this action. Also, attached are authorizations to release employment and/or application records.

Responses are made on the basis of information and writings currently available to and located by Plaintiffs upon reasonable investigation. Plaintiffs expressly reserve the right to modify, revise, supplement, or amend their responses as they deem appropriate.

Respectfully submitted,

/s/

Dr. DOUGLAS A'HERN
A'Hern Law Group PLLC
P -16516 El Camino Real # 349
Houston, TX 77062
S - 1111 W. Nolana Ave
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douglas.a.ahern@gmail.com

and

Richard R. Alamia
Attorney at Law
619 S. 12th Ave.
Edinburg, TX. 78539
956-381-5766
956-381-5774
Richard.alamia@yahoo.com

Certificate of Service

I certify that on this 2 day of May, 2024 a true and correct copy of the foregoing answers were emailed to:

**AUTHORIZATION TO RELEASE
EMPLOYMENT AND/OR APPLICATION RECORDS**

TO ALL EMPLOYERS AND POTENTIAL EMPLOYERS OF RAFAEL SANCHEZ:

You are hereby authorized to furnish and release to Ogletree, Deakins, Nash, Smoak & Stewart, P.C. and/or Porter Hedges LLP, and their staff members, representatives and employees, any and all information and documents in your possession or control concerning the employment or potential employment of the above-referenced individual for use in Civil Action No. 7:23-CV-00343, styled "*Juana Cruz, et al. v. Delgar Foods, LLC dba Delia's*" pending in the United States District Court, Southern District of Texas, McAllen Division.

You are hereby authorized and requested to copy and produce any and all:

1. Employment applications;
2. Resumes;
3. Payroll records (including but not limited to pay stubs and pay advices);
4. Hour or time records;
5. Schedules;
6. Records of absences; and
7. Records of any periods of leave.

The relevant period for records responsive/covered by this authorization is 2020–2023.

A copy of this authorization should be considered as valid as the original and shall remain in effect so long as the above-mentioned case is pending.

DATED this 12th day of April, 2024.

Rafael S.
RAFAEL SANCHEZ

First Set of Request for Admissions

Admission 1. Defendant paid you at least minimum wage for all hours worked by you during your employment.

Response: Admit

Admission 2. Defendant paid you at least minimum wage for all hours worked by you from 2020-2023.

Response: Admit

Admission 3. Defendant paid you time-and-a-half for all hours worked over 40 in a workweek by you during your employment.

Response: Deny

Admission 4. Defendant paid you time-and-a-half for all hours worked over 40 in a workweek by you from 2020-2023.

Response: Deny

Admission 5. Defendant correctly paid you for all hours worked during your employment.

Response: Deny

Admission 6. Defendant correctly paid you for all hours worked by you from 2020-2023.

Response: Deny

Admission 7. Defendant paid you for all hours worked by you from 2020-2023.

Response: Deny

Admission 8. You reported all hours worked by you accurately to Defendant.

Response: Deny

Admission 9. You recorded all hours worked by you for Defendant in Defendant's timekeeping system.

Response: Admit

Admission 10. You have no written documentation to rebut Defendant's time records of hours worked by you.

Response: Admit

Admission 11. While employed by Defendant, you were aware of Defendant's requirement to accurately record your hours worked.

Response: Deny

Admission 12. You at all times complied with Defendant's requirement to accurately record hours worked by you.

Response: Admit

Admission 13. You at all times complied with Defendant's requirement to accurately report hours worked by you.

Response: Admit

Admission 14. You reviewed your pay to confirm its accuracy on a weekly basis from 2020-2023.

Response: Admit

Admission 15. You reviewed your hours worked to confirm their accuracy on a weekly basis from 2020-2023.

Response: Admit

Admission 16. Defendant paid you overtime wages from 2020-2023.

Response: Admit

Admission 17. Any error made by Defendant as to your hours worked was unintentional.

Response: Deny

Admission 18. Any error made by Defendant as to your hours worked was not done willfully.

Response: Deny

Admission 19. Any error made by Defendant as to your hours worked was not done knowingly.

Response: Deny

Admission 20. Any error made by Defendant as to your pay was unintentional.

Response: Deny

Admission 21. Any error made by Defendant as to your pay was not done willfully.

Response: Deny

Admission 22. Any error made by Defendant as to your pay was not done knowingly.

Response: Deny

Admission 23. You received no cash for wages from Defendant from 2020-2023.

Response: Admit

Admission 24. You have no written documentation of hours worked by you for Defendant.

Response: Admit

Admission 25. You have never spoken to Delia Garza a/k/a/ Delia Lubin from 2020-2023.

Response: Deny

Admission 26. You have never seen Delia Garza a/k/a/ Delia Lubin from 2020-2023.

Response: Deny

Admission 27. You have never spoken to Delia Garza a/k/a/ Delia Lubin from 2020-2023 regarding your pay.

Response: Deny

Admission 28. You have never spoken to Delia Garza a/k/a/ Delia Lubin from 2020-2023 regarding hours worked.

Response: Admit

Admission 29. You have never spoken to Sofia Lubin from 2020-2023.

Response: Deny

Admission 30. You have never spoken to Sofia Lubin from 2020-2023 regarding your pay.

Response: Deny

Admission 31. You have never spoken to Sofia Lubin from 2020-2023 regarding hours worked.

Response: Deny

Admission 32. You have never spoken to Blanca Sierra from 2020-2023 regarding your pay.

Response: Deny

Admission 33. You have never spoken to Blanca Sierra from 2020-2023 regarding hours worked.

Response: Deny

Admission 34. You have never spoken to Letty Zumaya from 2020-2023 regarding your pay.

Response: Admit

Admission 35. You have never spoken to Letty Zumaya from 2020-2023 regarding hours worked.

Response: Admit

Admission 36. You have never spoken to El Guero Garza from 2020-2023 regarding your pay.

Response: Admit

Admission 37. You have never spoken to El Guero Garza from 2020-2023 regarding hours worked.

Response: Admit

Admission 38. You have never spoken to Benito Garza from 2020-2023 regarding your pay.

Response: Admit

Admission 39. You have never spoken to Benito Garza from 2020-2023 regarding hours worked.

Response: Admit

Admission 40. You have never spoken to Alberto Trevino from 2020-2023 regarding your pay.

Response: Admit

Admission 41. You have never spoken to Alberto Trevino from 2020-2023 regarding hours worked.

Response: Admit

Admission 42. You have never spoken to Mirta Garza from 2020-2023 regarding your pay.

Response: Admit

Admission 43. You have never spoken to Mirta Garza from 2020-2023 regarding hours worked.

Response: Admit

Admission 44. You have never spoken to Lorenzo Luben from 2020-2023 regarding your pay.

Response: Admit

Admission 45. You have never spoken to Lorenzo Luben from 2020-2023 regarding hours worked.

Response: Admit

Admission 46. You did not work for Defendant from 2020-2023.

Response: Deny

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

**JUANA CRUZ,
OFELIABENAVIDES,
GABRIELA VELAZQOEZ, MELESIO
CRUZ,
ANGELICA CHAVEZ
OLGA PEREZ,
MAURICIO SANCHEZ,
JORGE MAULEON,
HECTOR GONZALEZ,
YESSYPEREZ,
LUIS ALBERTO ZUNGA,
GONZALO ESQUIVEL,
PATRICIA CONDE,
NORMA CONDE,
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ROSENDO LIEVANOS,
MARIA DE LOURDES CRUZ,
JOSE ELIAS NG,
RICARDO GONZALO,
CONCEPCION PEREZ,
ELIZABETH LARA,
MIGUEL CABALLERO,
CARLOS DANIEL LOPEZ,
GILDA RIVAS,
ARMANDO MORALES DE LLANO,
Individually and On Behalf of All
Others Similarly Situated,**

Plaintiffs,

V

**DELGAR FOODS, INC D/B/A/ DELIA'S
TAMALES**

Defendants.

CIVIL ACTION NO: 7:23-CV-00343

VERIFICATION

I certify under penalty of perjury that the foregoing answers are true and correct answers of Plaintiff's to Defendant's' Request for Interrogatories included therein. The answers are true and correct to the best of Plaintiff's knowledge and information.

Respectfully submitted,

/s/

Dr. DOUGLAS A'HERN
A'Hern Law Group PLLC
P -16516 El Camino Real # 349
Houston, TX 77062
S - 1111 W. Nolana Ave
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and

/s/

Richard R. Alamia
Attorney at Law
619 S. 12th Ave.
Edinburg, TX. 78539
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Richard.alamia@yahoo.com

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

**JUANA CRUZ,
OFELIABENAVIDES,
GABRIELA VELAZQOEZ, MELESIO
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ARMANDO MORALES DE LLANO,
Individually and On Behalf of All
Others Similarly Situated,**

Plaintiffs,

V

**DELGAR FOODS, INC D/B/A/ DELIA'S
TAMALES**

Defendants.

CIVIL ACTION NO: 7:23-CV-00343

PLAINTIFFS RESPONSES TO FIRST REQUEST FOR ADMISSIONS

Plaintiffs respond to Respondent's Request for Admissions as set forth below. The following

responses are made solely for the purposes of this action. Also, attached are authorizations to release employment and/or application records.

Responses are made on the basis of information and writings currently available to and located by Plaintiffs upon reasonable investigation. Plaintiffs expressly reserve the right to modify, revise, supplement, or amend their responses as they deem appropriate.

Respectfully submitted,

/s/

Dr. DOUGLAS A'HERN
A'Hern Law Group PLLC
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and

Richard R. Alamia
Attorney at Law
619 S. 12th Ave.
Edinburg, TX. 78539
956-381-5766
956-381-5774
Richard.alamia@yahoo.com

Certificate of Service

I certify that on this 2 day of May, 2024 a true and correct copy of the foregoing answers were emailed to:

**AUTHORIZATION TO RELEASE
EMPLOYMENT AND/OR APPLICATION RECORDS**

TO ALL EMPLOYERS AND POTENTIAL EMPLOYERS OF RICHARD ESQUIVEL:

You are hereby authorized to furnish and release to Ogletree, Deakins, Nash, Smoak & Stewart, P.C. and/or Porter Hedges LLP, and their staff members, representatives and employees, any and all information and documents in your possession or control concerning the employment or potential employment of the above-referenced individual for use in Civil Action No. 7:23-CV-00343, styled "*Juana Cruz, et al. v. Delgar Foods, LLC dba Delia's*" pending in the United States District Court, Southern District of Texas, McAllen Division.

You are hereby authorized and requested to copy and produce any and all:

1. Employment applications;
2. Resumes;
3. Payroll records (including but not limited to pay stubs and pay advices);
4. Hour or time records;
5. Schedules;
6. Records of absences; and
7. Records of any periods of leave.

The relevant period for records responsive/covered by this authorization is 2020–2023.

A copy of this authorization should be considered as valid as the original and shall remain in effect so long as the above-mentioned case is pending.

DATED this 12th day of April, 2024.


RICHARD ESQUIVEL

First Set of Request for Admissions

Admission 1. Defendant paid you at least minimum wage for all hours worked by you during your employment.

Response: Admit

Admission 2. Defendant paid you at least minimum wage for all hours worked by you from 2020-2023.

Response: Admit

Admission 3. Defendant paid you time-and-a-half for all hours worked over 40 in a workweek by you during your employment.

Response: Deny

Admission 4. Defendant paid you time-and-a-half for all hours worked over 40 in a workweek by you from 2020-2023.

Response: Deny

Admission 5. Defendant correctly paid you for all hours worked during your employment.

Response: Deny

Admission 6. Defendant correctly paid you for all hours worked by you from 2020-2023.

Response: Deny

Admission 7. Defendant paid you for all hours worked by you from 2020-2023.

Response: Deny

Admission 8. You reported all hours worked by you accurately to Defendant.

Response: Deny

Admission 9. You recorded all hours worked by you for Defendant in Defendant's timekeeping system.

Response: Deny

Admission 10. You have no written documentation to rebut Defendant's time records of hours worked by you.

Deny

Response:

Admission 11. While employed by Defendant, you were aware of Defendant's requirement to accurately record your hours worked.

Deny

Response:

Admission 12. You at all times complied with Defendant's requirement to accurately record hours worked by you.

Admit

Response:

Admission 13. You at all times complied with Defendant's requirement to accurately report hours worked by you.

Admit

Response:

Admission 14. You reviewed your pay to confirm its accuracy on a weekly basis from 2020-2023.

Admit

Response:

Admission 15. You reviewed your hours worked to confirm their accuracy on a weekly basis from 2020-2023.

Admit

Response:

Admission 16. Defendant paid you overtime wages from 2020-2023.

Deny

Response:

Admission 17. Any error made by Defendant as to your hours worked was unintentional.

Deny

Response:

Admission 18. Any error made by Defendant as to your hours worked was not done willfully.

Deny

Response:

Admission 19. Any error made by Defendant as to your hours worked was not done knowingly.

Deny

Response:

Admission 20. Any error made by Defendant as to your pay was unintentional.

Deny

Response:

Admission 21. Any error made by Defendant as to your pay was not done willfully.

Deny

Response:

Admission 22. Any error made by Defendant as to your pay was not done knowingly.

Deny

Response:

Admission 23. You received no cash for wages from Defendant from 2020-2023.

Admit

Response:

Admission 24. You have no written documentation of hours worked by you for Defendant.

Deny

Response:

Admission 25. You have never spoken to Delia Garza a/k/a/ Delia Lubin from 2020-2023.

Deny

Response:

Admission 26. You have never seen Delia Garza a/k/a/ Delia Lubin from 2020-2023.

Deny

Response:

Admission 27. You have never spoken to Delia Garza a/k/a/ Delia Lubin from 2020-2023 regarding your pay.

Deny

Response:

Admission 28. You have never spoken to Delia Garza a/k/a/ Delia Lubin from 2020-2023 regarding hours worked.

Admit

Response:

Admission 29. You have never spoken to Sofia Lubin from 2020-2023.

Deny

Response:

Admission 30. You have never spoken to Sofia Lubin from 2020-2023 regarding your pay.

Deny

Response:

Admission 31. You have never spoken to Sofia Lubin from 2020-2023 regarding hours worked.

Deny

Response:

Admission 32. You have never spoken to Blanca Sierra from 2020-2023 regarding your pay.

Deny

Response:

Admission 33. You have never spoken to Blanca Sierra from 2020-2023 regarding hours worked.

Deny

Response:

Admission 34. You have never spoken to Letty Zumaya from 2020-2023 regarding your pay.

Admit

Response:

Admission 35. You have never spoken to Letty Zumaya from 2020-2023 regarding hours worked.

Admit

Response:

Admission 36. You have never spoken to El Guero Garza from 2020-2023 regarding your pay.

Admit

Response:

Admission 37. You have never spoken to El Guero Garza from 2020-2023 regarding hours worked.

Admit

Response:

Admission 38. You have never spoken to Benito Garza from 2020-2023 regarding your pay.

Admit

Response:

Admission 39.
worked.

You have never spoken to Benito Garza from 2020-2023 regarding hours

Admit

Response:

Admission 40.
pay.

You have never spoken to Alberto Trevino from 2020-2023 regarding your

Admit

Response:

Admission 41.
worked.

You have never spoken to Alberto Trevino from 2020-2023 regarding hours

Admit

Response:

Admission 42.

You have never spoken to Mirta Garza from 2020-2023 regarding your pay.

Admit

Response:

Admission 43.
worked.

You have never spoken to Mirta Garza from 2020-2023 regarding hours

Admit

Response:

Admission 44.
pay.

You have never spoken to Lorenzo Luben from 2020-2023 regarding your

Admit

Response:

Admission 45.
worked.

You have never spoken to Lorenzo Luben from 2020-2023 regarding hours

Admit

Response:

Admission 46.

You did not work for Defendant from 2020-2023.

Deny

Response:

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

**JUANA CRUZ,
OFELIABENAVIDES,
GABRIELA VELAZQOEZ, MELESIO
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MIGUEL CABALLERO,
CARLOS DANIEL LOPEZ,
GILDA RIVAS,
ARMANDO MORALES DE LLANO,
Individually and On Behalf of All
Others Similarly Situated,**

Plaintiffs,

V

**DELGAR FOODS, INC D/B/A/ DELIA'S
TAMALES**

Defendants.

CIVIL ACTION NO: 7:23-CV-00343

VERIFICATION

I certify under penalty of perjury that the foregoing answers are true and correct answers of Plaintiff's to Defendant's' Request for Interrogatories included therein. The answers are true and correct to the best of Plaintiff's knowledge and information.

Respectfully submitted,

/s/

Dr. DOUGLAS A'HERN
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P -16516 El Camino Real # 349
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and

/s/

Richard R. Alamia
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619 S. 12th Ave.
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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

**JUANA CRUZ,
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V

**DELGAR FOODS, INC D/B/A/ DELIA'S
TAMALES**

Defendants.

CIVIL ACTION NO: 7:23-CV-00343

PLAINTIFFS RESPONSES TO FIRST REQUEST FOR ADMISSIONS

Plaintiffs respond to Respondent's Request for Admissions as set forth below. The following

responses are made solely for the purposes of this action. Also, attached are authorizations to release employment and/or application records.

Responses are made on the basis of information and writings currently available to and located by Plaintiffs upon reasonable investigation. Plaintiffs expressly reserve the right to modify, revise, supplement, or amend their responses as they deem appropriate.

Respectfully submitted,

/s/

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and

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956-381-5774
Richard.alamia@yahoo.com

Certificate of Service

I certify that on this 2 day of May, 2024 a true and correct copy of the foregoing answers were emailed to:

**AUTHORIZATION TO RELEASE
EMPLOYMENT AND/OR APPLICATION RECORDS**

TO ALL EMPLOYERS AND POTENTIAL EMPLOYERS OF YESSY PEREZ MARTINEZ:

You are hereby authorized to furnish and release to Ogletree, Deakins, Nash, Smoak & Stewart, P.C. and/or Porter Hedges LLP, and their staff members, representatives and employees, any and all information and documents in your possession or control concerning the employment or potential employment of the above-referenced individual for use in Civil Action No. 7:23-CV-00343, styled "*Juana Cruz, et al. v. Delgar Foods, LLC dba Delia's*" pending in the United States District Court, Southern District of Texas, McAllen Division.

You are hereby authorized and requested to copy and produce any and all:

1. Employment applications;
2. Resumes;
3. Payroll records (including but not limited to pay stubs and pay advices);
4. Hour or time records;
5. Schedules;
6. Records of absences; and
7. Records of any periods of leave.

The relevant period for records responsive/covered by this authorization is 2020–2023.

A copy of this authorization should be considered as valid as the original and shall remain in effect so long as the above-mentioned case is pending.

DATED this 15th day of April, 2024.



YESSY PEREZ MARTINEZ

First Set of Request for Admissions

Admission 1. Defendant paid you at least minimum wage for all hours worked by you during your employment.

Response: Admit

Admission 2. Defendant paid you at least minimum wage for all hours worked by you from 2020-2023.

Response: Admit

Admission 3. Defendant paid you time-and-a-half for all hours worked over 40 in a workweek by you during your employment.

Response: Deny

Admission 4. Defendant paid you time-and-a-half for all hours worked over 40 in a workweek by you from 2020-2023.

Response: Deny

Admission 5. Defendant correctly paid you for all hours worked during your employment.

Response: Deny

Admission 6. Defendant correctly paid you for all hours worked by you from 2020-2023.

Response: Deny

Admission 7. Defendant paid you for all hours worked by you from 2020-2023.

Response: Deny

Admission 8. You reported all hours worked by you accurately to Defendant.

Response: Type text here Admit

Admission 9. You recorded all hours worked by you for Defendant in Defendant's timekeeping system.

Response: Admit

Admission 10. You have no written documentation to rebut Defendant's time records of hours worked by you.

Response: Admit

Admission 11. While employed by Defendant, you were aware of Defendant's requirement to accurately record your hours worked.

Response: Admit

Admission 12. You at all times complied with Defendant's requirement to accurately record hours worked by you.

Response: Admit

Admission 13. You at all times complied with Defendant's requirement to accurately report hours worked by you.

Response: Admit

Admission 14. You reviewed your pay to confirm its accuracy on a weekly basis from 2020-2023.

Response: Admit

Admission 15. You reviewed your hours worked to confirm their accuracy on a weekly basis from 2020-2023.

Response: Deny

Admission 16. Defendant paid you overtime wages from 2020-2023.

Response: Admit

Admission 17. Any error made by Defendant as to your hours worked was unintentional.

Response: Deny

Admission 18. Any error made by Defendant as to your hours worked was not done willfully.

Response: Deny

Admission 19. Any error made by Defendant as to your hours worked was not done knowingly.

Response: Deny

Admission 20. Any error made by Defendant as to your pay was unintentional.

Response: Deny

Admission 21. Any error made by Defendant as to your pay was not done willfully.

Response: Deny

Admission 22. Any error made by Defendant as to your pay was not done knowingly.

Response: Deny

Admission 23. You received no cash for wages from Defendant from 2020-2023.

Response: Deny

Admission 24. You have no written documentation of hours worked by you for Defendant.

Response: Deny

Admission 25. You have never spoken to Delia Garza a/k/a/ Delia Lubin from 2020-2023.

Response: Deny

Admission 26. You have never seen Delia Garza a/k/a/ Delia Lubin from 2020-2023.

Response: Deny

Admission 27. You have never spoken to Delia Garza a/k/a/ Delia Lubin from 2020-2023 regarding your pay.

Response: Deny

Admission 28. You have never spoken to Delia Garza a/k/a/ Delia Lubin from 2020-2023 regarding hours worked.

Response: Deny

Admission 29. You have never spoken to Sofia Lubin from 2020-2023.

Response: Deny

Admission 30. You have never spoken to Sofia Lubin from 2020-2023 regarding your pay.

Response: Deny

Admission 31. You have never spoken to Sofia Lubin from 2020-2023 regarding hours worked.

Response: Deny

Admission 32. You have never spoken to Blanca Sierra from 2020-2023 regarding your pay.

Response: Deny

Admission 33. You have never spoken to Blanca Sierra from 2020-2023 regarding hours worked.

Response: Deny

Admission 34. You have never spoken to Letty Zumaya from 2020-2023 regarding your pay.

Response: Admit

Admission 35. You have never spoken to Letty Zumaya from 2020-2023 regarding hours worked.

Response: Admit

Admission 36. You have never spoken to El Guero Garza from 2020-2023 regarding your pay.

Response: Deny

Admission 37. You have never spoken to El Guero Garza from 2020-2023 regarding hours worked.

Response: Deny

Admission 38. You have never spoken to Benito Garza from 2020-2023 regarding your pay.

Response: Deny

Admission 39. You have never spoken to Benito Garza from 2020-2023 regarding hours worked.

Response: Deny

Admission 40. You have never spoken to Alberto Trevino from 2020-2023 regarding your pay.

Response: Deny

Admission 41. You have never spoken to Alberto Trevino from 2020-2023 regarding hours worked.

Response: Deny

Admission 42. You have never spoken to Mirta Garza from 2020-2023 regarding your pay.

Response: Admit

Admission 43. You have never spoken to Mirta Garza from 2020-2023 regarding hours worked.

Response: Admit

Admission 44. You have never spoken to Lorenzo Luben from 2020-2023 regarding your pay.

Response: Admit

Admission 45. You have never spoken to Lorenzo Luben from 2020-2023 regarding hours worked.

Response: Admit

Admission 46. You did not work for Defendant from 2020-2023.

Response: Deny

**UNITED STATES DISTRICT COURT
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V

**DELGAR FOODS, INC D/B/A/ DELIA'S
TAMALES**

Defendants.

CIVIL ACTION NO: 7:23-CV-00343

VERIFICATION

I certify under penalty of perjury that the foregoing answers are true and correct answers of Plaintiff's to Defendant's' Request for Interrogatories included therein. The answers are true and correct to the best of Plaintiff's knowledge and information.

Respectfully submitted,

/s/

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